

CLERK'S RECORD

VOLUME 1 of 1

Trial Court Cause No. 1376698R

In the 372ND DISTRICT COURT
of Tarrant County, Texas
Hon. SCOTT WISCH, Presiding Judge



THOMAS OLIVAS, APPELLANT

VS.

THE STATE OF TEXAS

Appealed to the Court of Appeals
for the 2nd Supreme Judicial District of Texas
at Fort Worth, Texas

ATTORNEY FOR THE APPELLANT

WES BALL, APPOINTED
4025 WOODLAND PARK BLVD., SUITE 100
ARLINGTON, TEXAS 76013
PHONE: 817 860-5000
FAX: 817 860-6645
SBOT: 01643100
Attorney for THOMAS OLIVAS, Appellant

Delivered to the Court of Appeals for the 2nd Supreme
Judicial District of Texas at Fort Worth, Texas, on the

30 day of January, 2015

THOMAS A. WILDER, DISTRICT CLERK,
TARRANT COUNTY, FORT WORTH, TEXAS

Cindy Dutra

CINDY DUTRA

Deputy District Clerk

(Court of Appeals)

Cause No. _____

Filed in the Court of Appeals for the 2nd Supreme Judicial
District of Texas, at Fort Worth, Texas, this

_____ day of _____,

DEBRA SPISAK, Clerk

By _____, Deputy

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CAPTION

THE STATE OF TEXAS §

COUNTY OF TARRANT §

In the **372ND DISTRICT COURT** of Tarrant County, Texas, the Honorable **SCOTT WISCH** as Judge of said court, the following proceedings were held and the following instruments and other papers were filed in this cause, to-wit:

TRIAL COURT CAUSE NO. 1376698R

THE STATE OF TEXAS § In The **372ND DISTRICT COURT**

VS. §

THOMAS OLIVAS § **TARRANT COUNTY, TEXAS**

DIRECT REINDICTMENT

112014

NAME THOMAS OLIVAS
ADDRESS 1603 OAK CREEK LN
BEDFORD TX 76022
RACE W SEX M AGE 31 DOB 11/28/1982
CASE NO. 1376698 DATE FILED 7/9/2014
CID NO. 0802418

OFFENSE MURDER - CAPITAL MULTIPLE
DATE 3/20/2011
I.P. ASHER OLIVAS, MECHELLE GANDY
AGENCY Arlington PD
OFFENSE NO. 110016602
COURT 372nd District Court

INDICTMENT NO. 1376698 *R*

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS,

duly elected, tried, empaneled, sworn, and charged to inquire of offenses committed in Tarrant County, in the State of Texas, upon their oaths do present in and to the

CRIMINAL DISTRICT COURT NO. 3

of said County that THOMAS OLIVAS, hereinafter called Defendant, in the County of Tarrant and State aforesaid, on or about the 20th day of March 2011, did

THEN AND THERE INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, MECHELLE GANDY, BY CUTTING HER OR STABBING HER WITH AN ITEM, THE EXACT NATURE OF WHICH IS UNKNOWN TO THE GRAND JURY, AND DURING THE SAME CRIMINAL TRANSACTION THE DEFENDANT INTENTIONALLY OR KNOWINGLY CAUSED THE DEATH OF ANOTHER INDIVIDUAL, ASHER OLIVAS, BY SETTING FIRE TO HIS BODY BY IGNITING A COMBUSTIBLE OR FLAMMABLE MATERIAL WITH AN OPEN FLAME,

PARAGRAPH TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 20TH DAY OF MARCH, 2011, DID THEN AND THERE INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, MECHELLE GANDY, BY CUTTING HER OR STABBING HER WITH AN ITEM, THE EXACT NATURE OF WHICH IS UNKNOWN TO THE GRAND JURY, AND DURING THE SAME CRIMINAL TRANSACTION THE DEFENDANT INTENTIONALLY OR KNOWINGLY CAUSED THE DEATH OF ANOTHER INDIVIDUAL, ASHER OLIVAS, BY SETTING FIRE TO A COMBUSTIBLE OR FLAMMABLE MATERIAL WITH AN OPEN FLAME IN CLOSE PROXIMITY TO THE BODY OF ASHER OLIVAS,

PARAGRAPH THREE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 20TH DAY OF MARCH, 2011, DID THEN AND THERE INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, MECHELLE GANDY, BY CUTTING HER OR STABBING HER WITH AN ITEM, THE EXACT NATURE OF WHICH IS UNKNOWN TO THE GRAND JURY, AND DURING THE SAME CRIMINAL TRANSACTION THE DEFENDANT INTENTIONALLY OR KNOWINGLY CAUSED THE DEATH OF ANOTHER INDIVIDUAL, ASHER OLIVAS, BY SUFFOCATING HIM BY A MEANS WHICH IS UNKNOWN TO THE GRAND JURY,

PARAGRAPH FOUR: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 20TH DAY OF MARCH, 2011, DID THEN AND THERE INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, MECHELLE GANDY, BY CUTTING HER OR STABBING HER WITH AN ITEM, THE EXACT NATURE OF WHICH IS UNKNOWN TO THE GRAND JURY, AND DURING THE SAME CRIMINAL TRANSACTION THE DEFENDANT INTENTIONALLY OR KNOWINGLY CAUSED THE DEATH OF ANOTHER INDIVIDUAL, ASHER OLIVAS, IN A MANNER AND BY A MEANS WHICH

NAME THOMAS OLIVAS

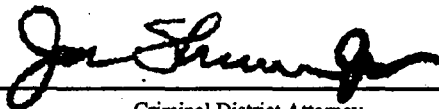
CASE NO. 1376698

PAGE 2 of 2

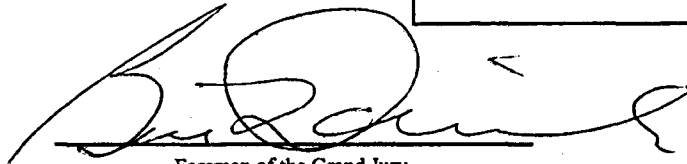
ARE UNKNOWN TO THE GRAND JURY,

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Filed (Clerk's use only)	
FILED	
THOMAS A WILDER, DIST. CLERK	
TARRANT COUNTY, TEXAS	
JUL 09 2014	
TIME	4:00
BY	DEPUTY



Criminal District Attorney
Tarrant County, Texas
INDICTMENT - ORIGINAL



Foreman of the Grand Jury

STATE OF TEXAS Vs.

1376698R OLIVAS, THOMAS

No.

CAPITAL MURDER-MULTIPL

D372 CID 8882418

TRN#9187359561

DOB: 11/28/82

Offense

RECORD
OF

CRIMINAL ACTIONS

DETAINER

(CRIMINAL) DISTRICT COURT

372ND

TRANSFERRED TO

JUL 09 2014 INDICTMENT RETURNED AND FILED

Reindictment of Cause # 1352014R

JUL 09 2014

STATES ANNOUNCEMENT OF READY FILED

JUL 10 2014 INDICTMENT RETURNED WARRANT ISSUED BOND SET AT \$1,000,000

7-11-14 *Tom Moore arrested as counsel*8-26-14 *State v. Oliver & Adams & Dyer**Personal Records - Morgan**State v. Oliver & Adams & Dyer**Personal Records - AT*

SEP 08 2014

*Final**Motion for Continuance filed**and heard.**Agreement allowing Open Note Response**Defendant's Motion for Assessment of**Guarantime by Court**Defendant's Application for Postation**Defendant's Motion and pick up of Mot Guilty**through her attorney, Gray stated & Good*

DISPOSITION OF CASE:

1. *LIFE without Parole*

2.

3.

4.

State's Attorney

Kevin Brunner Tamela Day

On Probation Revocation

Defendant's Attorney

Tim Moore Gretta Keene

On Probation Revocation

Surety

Appeals Attorney

SEP 10 2014

*Defendant Arraigned before Gray and**pled Not Guilty to all paragraphs**Testimony began**Gray's Motion for**Assessment to Supplement Evidence**and Testimony filed**Proctor Change filed, Gray**declined - ~~Gray~~ guilty of**Capital Murder, the Court**sentenced the defendant*

Thomas A. Wilder

DISTRICT CLERK

TARRANT COUNTY, TEXAS

- Over

THESE ARE CRIMINAL DISTRICT COURT PAPERS AND MUST NOT BE REMOVED

RECORD OF CRIMINAL ACTIONS

OCT 02 2014

*to file in the Texas Department
of Criminal Justice without parole
with credit time served*

PRESIDING JUDGE, 372ND DISTRICT COURT

OCT 02 2014

OCT 02 2014

TRIAL COURT CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL FILED

NOTICE OF APPEAL

MOTION FOR FREE REPORTER'S RECORD AND AFFIDAVIT OF
INABILITY TO PAY FOR COUNSEL AND REPORTER'S RECORD.

OCT 03 2014

ORDER APPOINTING COUNSEL FOR THE APPEAL AND ORDER FOR
COURT REPORTER TO PREPARE REPORTER'S RECORD.

12-6-14

*Was Ball Appointed
State's Motion to Release Guero before
also*

10-6-14

10-9-14

SCANNED

COPY SENT TO STATE AND COURT OF APPEALS
RECEIVED AND RETURNED AFFIDAVIT LETTER
SENT TO STATE AND COURT OF APPEALS

10-14-14

MOTION FOR NEW TRIAL FILED, COPY SENT TO STATE
AND COURT OF APPEALS 10-16-14

11-17-14

Designation of Record on Appeal filed

STATE OF TEXAS Vs.
No.
Offense

1376698 OLIVAS, THOMAS
CAPITAL MURDER-MULTIPLE
D372 CID 0802418
NCIC # 09990026
OFFENSE: 03/20/2011

Subpoena

RECORD OF

CRIMINAL ACTIONS

DETAINER

(CRIMINAL) DISTRICT COURT 312

TRANSFERRED TO

COMPLAINT FILED. BOND SET AT \$

DISPOSITION OF CASE:

1. LIFE WITHOUT PAROLE

2.

3.

4.

State's Attorney

On Probation Revocation

Defendant's Attorney

On Probation Revocation

Surety

Appeals Attorney

Thomas A. Wilder
DISTRICT CLERK
TARRANT COUNTY, TEXAS

THESE ARE CRIMINAL DISTRICT COURT PAPERS AND MUST NOT BE REMOVED

NAME THOMAS OLIVAS

ADDRESS 1603 OAK CREEK LN
BEDFORD TX 76022

RACE W SEX M AGE 29 DOB 11/28/1982

CASE NO. 1298688 DATE FILED 9/29/2012

CID NO. 0802418

OFFENSE MURDER - CAPITAL MULTIPLE

DATE 3/20/2011

I.P. MECHELLE GANDY, ASHER OLIVAS

AGENCY Arlington PD

OFFENSE NO. 110016602

COURT 372nd District Court

INDICTMENT NO. 1298688 **D**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS,

duly elected, tried, empaneled, sworn, and charged to inquire of offenses committed in Tarrant County, in the State of Texas, upon their oaths do present in and to the

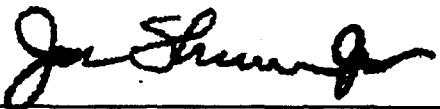
CRIMINAL DISTRICT COURT NO. 1

of said County that THOMAS OLIVAS, hereinafter called Defendant, in the County of Tarrant and State aforesaid, on or about the 20th day of March 2011, did

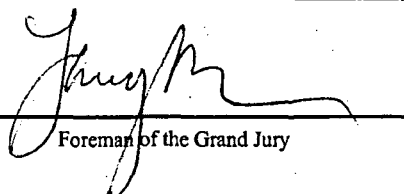
THEN AND THERE INTENTIONALLY CAUSE THE DEATH OF AN INDIVIDUAL, MECHELLE GANDY, BY CUTTING HER OR STABBING HER WITH AN ITEM, THE EXACT NATURE OF WHICH IS UNKNOWN TO THE GRAND JURY, AND DURING THE SAME CRIMINAL TRANSACTION THE DEFENDANT INTENTIONALLY OR KNOWINGLY CAUSED THE DEATH OF ANOTHER INDIVIDUAL, ASHER OLIVAS, BY BURNING HIM IN A FIRE,

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Filed (Clerk's use only)	
FILED	
THOMAS A WILDER, DIST. CLERK TARRANT COUNTY, TEXAS	
NOV 28 2012	
TIME	1:15
BY	1/5 DEPUTY



Criminal District Attorney
Tarrant County, Texas
INDICTMENT - ORIGINAL



Foreman of the Grand Jury

STATE OF TEXAS V. **4064** 1298688D OLIVAS, THOMAS 372
 CAPITAL MURDER-MULTIPL TENSE 011-359561
 No. 728/82
 OFF 899926

**RECORD
 OF
 CRIMINAL ACTIONS**

DETAINER _____
 (CRIMINAL) DISTRICT COURT 4
 TRANSFERRED TO 372 COMPLAINT FILED. BOND SET AT \$ 1,000,000
 9-29-12
 10-1-12 Transferred from Criminal District Court 4 to the 372nd District Court
 Presiding Judge William J. Moore DISTRICT COURT 4
 9-29-12 Jim Moore on App
Elaine J. Conner
W. J. Moore
Initial Appearance
 OCT 16 2012 Defendants Motion for Appointment of
 OCT 15 2012 Investigator Filed & granted
 NOV 28 2012 INDICTMENT RETURNED AND FILED
 NOV 28 2012 STATES ANNOUNCEMENT OF READY FILED
 DEC 17 2012 **Consultation**
 JAN 28 2013 **Evidence Exchange**
 1-29-13 Opette Kane Appointed As
Ad-Consent for Defendant

**DISPOSITION OF CASE:
 DISPOSED ON MOTION OF THE STATE**

1. _____
 2. _____
 3. _____
 4. Karla Rousseau Public Prog
 State's Attorney
 On Probation Revocation
Jim Moore Opette Kane
 Defendant's Attorney
 On Probation Revocation
 Surety _____
 Appeals Attorney _____
 FEB 07 2013 Motion for Appointment of
Expert - Order Appointed Sealed
 FEB 13 2013 Motion to appoint Expert Filed, granted
& Sealed
 FEB 13 2013 Ex Parte Motion to appoint Investigator
Filed, granted & Sealed
 MAR 5 2013 Exchange Request for Payment - Served
 3/28/13 Defence Ex parte Motion filed & granted;
Sealed upon Order of the Court
 JUN 24 2013 **Status/Plea Cut Off**

Thomas A. Wilder
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS

THESE ARE CRIMINAL DISTRICT COURT PAPERS AND MUST NOT BE REMOVED

Status/Plea Cut Off

13 Defense motion filed

Motion to Suppress Evidence

Motion for the Production of Name Keys
Records - made.

Order to Produce JCTC / NCIC Records

Berch. Warrant issued

Trial

~~STATUS CONFERENCE~~

DISMISSED ON MOTION OF THE STATE

Scott Wick

~~PRESIDING JUDGE, 372ND DISTRICT COURT~~

NAME THOMAS OLIVAS

ADDRESS 601 N PARK BLVD, #415

GRAPEVINE TX 76051

RACE W SEX M AGE 29 DOB 11/28/1982

CASE NO. 1298688 DATE FILED 9/29/2012

CID NO. 0802418

OFFENSE MURDER - CAPITAL MULTIPLE

DATE 3/20/2011

I.P. MECHELLE GANDY, ASHER OLIVAS

AGENCY Arlington PD

OFFENSE NO. 110016602

COURT Criminal District Court No. 4

COMPLAINT NO. 1298688

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

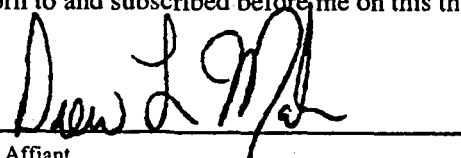
Before me, the undersigned Assistant District Attorney of Tarrant County, Texas, this day personally appeared the undersigned affiant, who upon his oath says that he has good reason to believe and does believe that in the County of Tarrant and State of Texas THOMAS OLIVAS, hereinafter called Defendant, in the County of Tarrant and State aforesaid on or about the 20th day of March 2011, did

THEN AND THERE INTENTIONALLY CAUSE THE DEATH OF AN INDIVIDUAL, MECHELLE GANDY, BY CUTTING HER OR STABBING HER WITH AN ITEM, THE EXACT NATURE OF WHICH IS UNKNOWN TO THE GRAND JURY, AND DURING THE SAME CRIMINAL TRANSACTION THE DEFENDANT INTENTIONALLY OR KNOWINGLY CAUSED THE DEATH OF ANOTHER INDIVIDUAL, ASHER OLIVAS, BY BURNING HIM IN A FIRE,

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on this the

1 day of OCT 2012

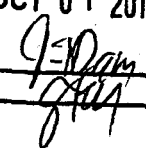


Affiant

COMPLAINT



Assistant District Attorney of
Tarrant County, Texas

Filed (Clerk's use only)	
FILED	
THOMAS A WILDER, DIST. CLERK	
TARRANT COUNTY, TEXAS	
OCT 01 2012	
TIME	
BY	DEPUTY

SCANNED

ORDER OF TRANSFER

TO THE HONORABLE JUDGE OF CRIMINAL DISTRICT COURT NO. 4,
TARRANT COUNTY, TEXAS:

It is ORDERED, that the below entitled and numbered case(s) be and the same is hereby transferred to the 372nd District Court, of Tarrant County, for the final disposition, subject to the consent of the receiving district court.

1298688

Thomas Olivas

Capital Murder

REASON: Capital murder rotation.

Signed this 1 day of October, 2012.



Presiding Judge, Transferring Court

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS
OCT 01 2012
TIME 4:33 pm
BY MLL DEPUTY

SCANNED

ELECTION OF COUNSEL

FILED 1/01/11
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

NAME: THOMAS OLIVAS

DOB: 28 NOV 82

OCT 04 2012

TIME 4:18 PM
BY [Signature] DEPUTY

 NO, I AM NOT ENTITLED TO AN APPOINTED LAWYER.

I have been warned by the magistrate that I have the right to request a determination of indigency to decide whether I am entitled to the appointment of a lawyer and I understood the warnings given to me by the magistrate, I will hire my own lawyer.

 I DO NOT WANT TO MAKE THIS DECISION AT THIS TIME.

 YES, I BELIEVE THAT I AM ENTITLED TO AN APPOINTED LAWYER.

I have been advised by the magistrate of my right to request a determination of indigency to determine if I qualify for a court-appointed lawyer. I certify that I am without means to employ a lawyer of my own choosing and I now request the Court to select and appoint a lawyer for me. I understand that I may be required to repay Tarrant County for a court-appointed lawyer at a later time, under such terms as a court may determine based on my future financial status; and,

I UNDERSTAND that if I bond out of jail before meeting with the Tarrant County Financial Information Officer, I must follow the directions of the Notice to Defendant Released prior to Appointment of Lawyer form which will be given to me upon my release from jail so that a lawyer can be appointed for me.

 Yes, I received the Notice to Defendant Released Prior to Appointment of Lawyer.

X

Arrested Person

Date: 25 SEP 2012

ORDER SETTING CONDITIONS OF BOND

IT IS THE ORDER OF THE COURT that if you make bond and receive an appointed lawyer that you must comply with following additional terms and conditions of bond. Any violations of these conditions may result in your bond being held insufficient and you being placed back in jail.

1. You must bring to your Initial Appearance Setting Copies of all your financial information, including: your last income tax return together with all W-2 forms for that year; your two most recent paychecks or pay stubs; your most recent Social Security or disability payment stubs; your most recent stock account statements; proof that you have been found to indigent or eligible for benefits by a government agency; proof of your expenses such as rent or mortgage payments; utility bills; day care costs; grocery costs; AND if you own your own home, proof of its value which can be found at: www.tad.org.
2. You must keep all appointments with your lawyer.
3. You must attend all court settings.
4. You must notify your lawyer's office and bondsman of any changes in your residence address, business address or telephone numbers within 24 hours of such change.

[Signature]
Judge/Magistrate

AFFIDAVIT OF INDIGENCY

Revised: 9-23-11

Request for court appointed counsel verified: Yes ☒ No ☐ Spanish Only ☐

Name: Thomas Divas Case No. _____
 Address: 11003 Oak Creek Ln 11003C CID No. _____
 City: Bedford Zip code: 76007 FILED
 Phone number: (915) 740-5042 THOMAS A WILDER, DIST. CLERK
 TARRANT COUNTY, TEXAS
 DOB: 11-28-82 Age: 29 Race: W Sex: Male ☒ Female ☐
 Are you married? Yes ☐ No ☒ Name of spouse: _____ OCT 04 2012

DEPENDENT INFORMATION

TIME 4:18 pm
 BY MA DEPUTY

How many people do you support? 2 How many people live with you? 1

Name	Age	Relationship	Living with you Y/N	Income
<u>Tanya Pair</u>	<u>20</u>	<u>girlfriend</u>	<u>Y</u>	<u>Dr office</u>
<u>got evicted</u>		<u>(lived together 5 mths)</u>		<u>Broke up</u>
<u>due to</u>				<u>are for</u>
<u>charge</u>				<u>arrest</u>

EMPLOYMENT INFORMATION

If employed: unemployed Length of Employment _____
 Employer's Name: _____

Amount paid \$ _____ : How paid? () Monthly- amount x 12 () Daily x no. days worked
 () Twice monthly- amount x 24; () Every two weeks- amount x 26; () Weekly- amount x 52

Address: _____ Phone Number: _____
 Supervisor's Name: _____

If unemployed: 4 mths Reason for unemployment laid off
 How long? _____
 Name of previous employer: Rack Today's
 Does anyone support you? Yes ☐ No ☒

If yes answer the following -

Name: _____ Age: _____ Relation: _____
 Address: _____ Phone: _____
 Do you live with them? Yes ☐ No ☐ Where do they work? _____

Defendant's Financial Information

Income	Amount
Gross Pay	0
Spouse's Pay	0
Investment Income	0
Stock Dividend	0
Bond Dividend	0
Rental Income	0
Pension Payments	0
Unemployment	0
Social Security Benefits	0
Child Support	0
Public Assistance	0
TANF (Welfare-Food Stamps)	0
SSI (Social Security)	0
Medicaid (yes or no)	0
WIC (women, infant and children)	0
Cash Gifts	0
Other	0
Total Gross Monthly Income	0
Total Gross Annual Income	0
Assets	Amount
Residence Amount Owed	NO
Market Value	NO
Other Real Property:	
Type/Location	
1.	NO
Other Property	
(Identify jewelry, equipment, watercrafts, stocks, Bonds, ETC.)	NO
Automobile	
Make Model Year	
1.	NO
2.	
Bank Accounts	
Bank Name Type	Balance
1. Wells Fargo @	100.00
2.	0
Total Asset Value:	100.00

COURT FINDING:

Indigent

Insufficient Information

Not Indigent

No Finding

Charges dropped

Withdrew Request

Judge's Signature

Date: 9-26-12

7 of 8 9/26/2012 9:49:43 AM [Central Daylight Time]

Expenses (Monthly)	
Rent or Mortgage Payment	
If owned value	0
Car Payment (How many?)	
Insurance (Life, Health, Car, Homeowners, etc.)	
Child Care	
Child Support	
Water	
Gas - Home	
Gas - Automobile	
Telephone	
Electricity	
Food	
Clothes	
Medical	
Cable TV or Satellite TV	
Cell Phone/Pager	
Charge accounts and other Payments:	
1.	
2.	
3.	
4.	
Total Monthly Expenses	0
Credit card/Type	Available limit
	NO

Notes:

Lived w/ my friend but got kicked out. I have no car. Charge. last job 4 months ago.

By signing my name below, I affirm that all of the above information about my financial condition is current, accurate and true. I understand that a court official can verify any of the information for accuracy as required to determine my eligibility.

Defendant's Signature

Financial Officer's Signature

Date:

A. Oviedo

Defendant in custody:

YES

NO

Office of
Attorney Appointments

Barbara Murphy: (817) 884-2369
Gwyn Peugh: (817) 884-2370
Marlene Martinez: (817) 884-2305

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

OCT 04 2012

TIME 4:18 pm
BY MLL DEPUTY

Tim Curry Justice Center
401 West Belknap
Fort Worth, Texas 76196
Fax: (817) 884-2371

Date: 09/26/2012 Time: 12:06 PM
To: **Tim Moore, Attorney**
Office: (817) 332-3822 Fax: (817) 332-2763
E-Mail: tim.moore1@att.net

You have been appointed to represent the following indigent defendant:

Name: Olivas, Thomas CID: 0802418
Home Address: 1603 Oak Creek Ln #1603C DOB: 11/28/1982
Bedford, Tx 76022
Phone: (915) 740-5042 Race: White Sex: Male

The defendant is charged with:

Offense	Case#	Date of Offense
CAPITAL MURDER	1298088	09/24/2012

The defendant is currently confined at:

Agency: ARLINGTON POLICE DEPARTMENT
Contact: Ms. Tresia Anderson
Fax: (817) 459-6955 Office: (817) 459-5675

Bondsman:

This appointment shall remain in effect until all charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is permitted or ordered by the court to withdraw as counsel for the defendant after a finding of good cause is entered on the record; and with respect to a defendant not represented by other counsel, before withdrawing as counsel for the defendant after a trial or entry of a plea of guilty: advise the defendant of the defendant's right to file a motion for new trial and a notice of appeal; if the defendant wishes to pursue either or both remedies, assist the defendant in requesting the prompt appointment of replacement counsel; and if replacement counsel is not appointed promptly and the defendant wishes to pursue an appeal, file a timely notice of appeal.

You are required by law to make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which you are appointed and to interview the defendant as soon as practicable thereafter.

If you are appointed on an appeal case, contact the District Clerk for a copy of the Judgment & Sentence and Docket Sheet. Email dclerk@tarrantcounty.com and enter "Appt. Atty" in the subject line of the email

Cc: ARLINGTON POLICE DEPARTMENT

SCANNED

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

NO. 1298688

OCT 15 2012

TIME 9:51 A.M.
BY DISTRICT CLERK DEPUTY

THE STATE OF TEXAS

§

IN THE 372ND DISTRICT COURT

VS.

§

COURT OF

THOMAS OLIVAS

§

TARRANT COUNTY, TEXAS

§

DEFENDANT'S MOTION FOR APPOINTMENT OF INVESTIGATOR

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, THOMAS OLIVAS, Defendant in the above-styled and numbered cause, by and through his Attorney of Record, TIM MOORE, and moves the Court to appoint an investigator to assist the court-appointed counsel in preparation for trial.

The Defendant further moves the Court to authorize the payment of an investigative fee, and in support hereof, would show the Court the following:

I.

That the Defendant is charged with the felony offense of Capital Murder - Multiple. That the defense has need of an investigator to adequately prepare its defense.

II.

Based on his limited investigation in this case, the undersigned counsel knows that there are a number of witnesses who must be sought out and interviewed. This can only be done properly and effectively through the use of a private investigator.

III.

Appointment of a private investigator is necessary to insure that Defendant receives his rights to effective assistance of counsel, cross-examination and confrontation, and compulsory process, guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution

and Article I, §10 of the Texas Constitution; due process and due course of law, guaranteed by the Fourteenth Amendment to the United States Constitution and Article I, §§ 13, 19 and 29; and, equal protection of the law, guaranteed by the Fourteenth Amendment to the United States Constitution and Article I, §§ 3 and 3a of the Texas Constitution.

IV.

That the Defendant is indigent and unable to afford such services and therefore requests the Court, pursuant to Article 26.05, Texas Code of Criminal Procedure, to appoint an investigator that will be paid with state funds.

V.

That the said, TIM MOORE, would request that the Court appoint Doug Lambertsen with Green & Associates, a private investigations firm whose Texas Commission on Private Security license number is A17701, as investigators for the Defendant.

WHEREFORE, PREMISES CONSIDERED, Defendant prays for the appointment of an investigator and payment of an investigative fee in the above referenced matter.

Respectfully submitted,



TIM MOORE / SB# 14378300

Sundance Square

115 W. 2nd, Suite 202

Fort Worth, Texas 76102

(817) 332-3822

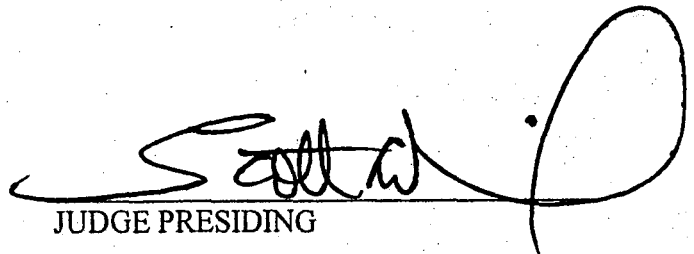
Fax (817) 332-2763

ATTORNEY FOR DEFENDANT

ORDER

The Defendant's Motion being presented to the Court on the 15 day of October, 2012, and the Court having considered said Motion, hereby finds that the Motion for Appointment of Investigator should be granted and it is, therefore, ORDERED that Doug Lambertsen and Green & Associates, License No. A17701, 933 W. Weatherford, Suite 210, Fort Worth, Texas 76102 be and is appointed as an investigator to assist the court appointed attorney in the representation of the Defendant in the above styled and numbered cause, and an investigative fee shall be paid by the State of Texas. Doug Lambertsen, or other investigators registered under Green & Associates' license shall be allowed access to all potential witnesses, including the Defendant, who are incarcerated in any jail in the State of Texas for the purpose of investigating such charges.
(as allowed by law)

SIGNED THIS 15 day of October, 2012.


JUDGE PRESIDING

SCANNED

Cause Number: 1298688

THE STATE OF TEXAS

Vs.

OLIVAS, THOMAS

§ IN THE 372ND JUDICIAL
§
§ DISTRICT COURT OF
§
§ TARRANT COUNTY, TEXAS

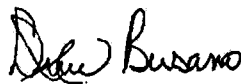
STATE'S ANNOUNCEMENT OF READY

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her representative the Criminal District Attorney of Tarrant County, Texas in the above styled and numbered case and announces to the Court that the State is ready for trial.

Respectfully submitted,

JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS



ASSISTANT CRIMINAL DISTRICT ATTORNEY

FILED
THOMAS A. WILDER, DISTRICT CLERK
TARRANT COUNTY, TEXAS

November 28, 2012

Time 1:15 PM
By LB Deputy

SCANNED

CASE NO. 1298688D

THE STATE OF TEXAS

VS

THOMAS OLIVAS

§
§
§
§
§

IN THE 372ND

DISTRICT COURT

TARRANT COUNTY, TEXAS

ORDER APPOINTING CO-COUNSEL FOR THE DEFENDANT

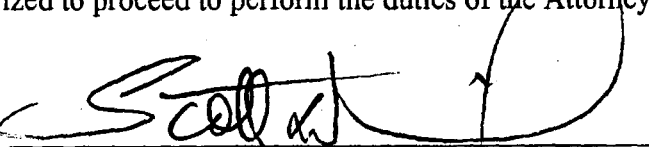
Date of Order: January 29, 2013

On this day, it being made known and appearing to the Court that the Defendant is without counsel of his own selection to represent him herein, and that he is too poor to employ counsel, or give security therefore, to represent him herein and the Defendant having requested that an attorney be appointed to represent him in the above styled and numbered cause.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that

JOETTA KEENE

a regularly licensed and practicing attorney is hereby appointed to represent the Defendant as his attorney, and said Attorney is hereby authorized to proceed to perform the duties of the Attorney for the Defendant in this cause.


Presiding Judge

January 29, 2013
Date

SCANNED

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

FEB - 7 2013

TIME
BY 1035
DEPUTY

CAUSE NO. 1298688

THE STATE OF TEXAS

§
§
§
§
§

IN THE 372ND DISTRICT
COURT OF
TARRANT COUNTY, TEXAS

VS.

THOMAS OLIVAS

**DEFENDANT'S EX PARTE MOTION FOR
EXPERT ASSISTANCE**

(Under Seal)

NOTICE TO CLERK OF COURT: This application is to be considered EX PARTE and is filed for purposes of the record. This application is required to be SEALED, by law, and disclosure can be made ONLY to the TRIAL COURT and COUNSEL FOR DEFENDANT.

DISCLOSURE TO THE PUBLIC OR STATE IS PROHIBITED

MOTION FOR APPOINTMENT OF AN EXPERT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES THOMAS OLIVAS, and his attorney, Tim Moore, in the above styled and numbered cause, and respectfully moves the Court to appoint a Forensic Laboratory to assist in the preparation of his defense, and in support thereof would show the Court as follows:

I.

The Defendant is charged with the offenses of Capital Murder-Multiple. The Defendant is unable to pay an attorney to represent him in this case.

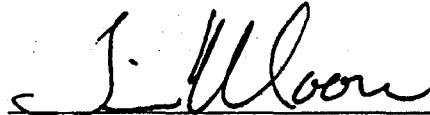
II.

The Court has appointed the undersigned counsel to represent the Defendant in this case. The Defendant also requests that the Court appoint Armstrong Forensic Lab to assist defense counsel in representing the Defendant in this case. Article 26.05 C.C.P.; *Ake v. Oklahoma*, 470 U.S. 68 (1985); *Richardson v. State*, 744 SW2d (Tex.Crim.App. 1987); Article 1, Sections 10 and 19, Texas

Constitution.

WHEREFORE, the Defendant prays that this Court appoint an expert and authorize payment of reasonable fees and expenses for the expert relating to his case.

Respectfully submitted,



TIM MOORE / SB# 14378300

Sundance Square

115 W. 2nd, Suite 202

Fort Worth, Texas 76102

(817) 332-3822

Fax (817) 332-2763

ATTORNEY FOR DEFENDANT

CAUSE NO. 1298688

THE STATE OF TEXAS	§	IN THE 372ND DISTRICT
	§	
VS.	§	COURT OF
	§	
THOMAS OLIVAS	§	TARRANT COUNTY, TEXAS

ORDER ON EX PARTE MOTION FOR EXPERT
ASSISTANCE IN INDIGENT CASE
 (Under Seal)

Came on to be heard the Motion for Appointment of Expert of Defendant, THOMAS OLIVAS, in this case. Upon consideration of the motion and argument of counsel, it is hereby GRANTED. The Court hereby appoints Armstrong Forensic Lab to provide expert services to Defendant and to his counsel to assist the Defendant's counsel in representing the Defendant in this case. The Court hereby authorizes the payment of reasonable expert fees and expenses upon submission of a statement of the fees and expenses incurred. The Court further ORDERS the Tarrant County Sheriff to allow Armstrong Forensic Lab access to the Defendant in the Tarrant County Jail at any time. The Court further ORDERS that any reports, notes or observances by Armstrong Forensic Lab shall be delivered to Defendant's attorney of record, Mr. Tim Moore. The Court authorizes an initial payment of \$2,500.00.


 JUDGE PRESIDING

FILED
 THOMAS A WILDER, DIST. CLERK
 TARRANT COUNTY, TEXAS

FEB - 7 2013

ORDER ON MOTION FOR APPOINTMENT OF EXPERT

TIME 10:35
 BY [Signature] DEPUTY

CAUSE NO. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

§
§
§
§
§

IN THE 372ND DISTRICT

COURT OF

TARRANT COUNTY, TEXAS

DEFENDANT'S SEALED, MOTION FOR APPOINTMENT OF EXPERT

Filed UNDER SEAL by order of the Court,

and not to be opened except upon further order of the Court


JUDGE PRESIDING

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

FEB - 7 2013

TIME 1035
BY [Signature] DEPUTY

ORDER ON MOTION FOR APPOINTMENT OF EXPERT

SCANNED

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL

DISTRICK COURT OF

TARRANT COUNTY, TEXAS

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS
FEB 13 2013
TIME 9:49 A.M.
BY LA DEPUTY

**EX PARTE MOTION TO APPOINT MITIGATION INVESTIGATOR and TO
SEAL THE SAME**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes, defendant in the above styled and numbered cause, by and through his attorney of record, and respectfully moves this Honorable Court to appoint an investigator to assist him in the preparation of his mitigation defense, and for good cause shows the following:

I.

Defendant is charged with the felony offenses of Capital Murder.

II.

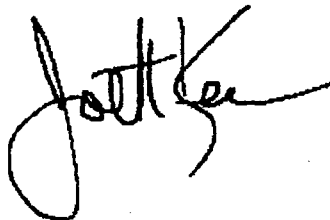
Undersigned counsel was appointed to represent the defendant because of his indigence. This indigence prevents defendant from hiring an investigator to assist in his defense.

III.

Appointment of an investigator is necessary to insure that defendant receive his rights to effective assistance of counsel, cross-examination and confrontation, and compulsory process guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, section 10 of the Texas Constitution; due process and due course of law, guaranteed by the Fourteenth Amendment to the United States Constitution and Article I, sections 13, 19 and 29; and equal protection of the law, guaranteed by the Fourteenth Amendment to the United States Constitution and Article I, sections 3 and 3a of the Texas Constitution.

WHEREFORE, PREMISES CONSIDERED, defendant prays that this Court appoint an investigator to assist him in the preparation of his defense and that the Court order the County Auditor to pay the costs of the investigator.

Respectfully submitted,



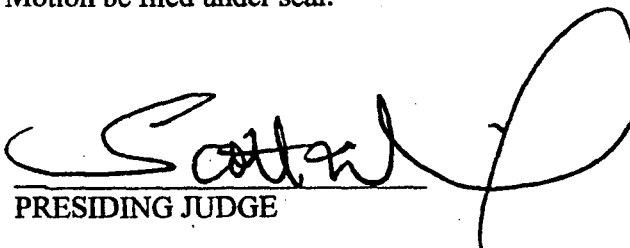
Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
817-275-6611
817-275-6621 (fax)
State Bar #11165800
Attorney for defendant

ORDER

On this February 13, 2013 day came to be considered the defendant's Motion to Appoint an Investigator. The Court, after considering the circumstances, found that said Motion should be in all things GRANTED and funds limited to \$2,500. It is hereby ordered that Maureen Griffith, 1910 English Road, Rockwell, Texas 75032 is appointed as the investigator on this case.

It is further ordered that Maureen Griffith be allowed access to and visitation with Defendant while Defendant is incarcerated in the Tarrant County Jail.

It is further ordered that said Motion be filed under seal.



PRESIDING JUDGE

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL

DISTRICT COURT OF

TARRANT COUNTY, TEXAS

THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

FILED
FEB 13 2013
TIME 9:49 A.M.
BY LA DEPUTY

**MOTION TO APPOINT A MENTAL HEALTH EXPERT and to SEAL THE
SAME**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes, defendant in the above styled and numbered cause, by and through his attorney of record, and respectfully moves this Honorable Court to appoint a mental health expert to assist him in the preparation of his defense, and for good cause shows the following:

I.

Defendant is charged with a felony offense of capital murder.

II.

Undersigned counsel was appointed to represent the defendant because of his indigence. This indigence prevents defendant from hiring a mental health expert to assist in his defense.

III.

Appointment of a mental health expert is necessary to insure that defendant receive his rights to effective assistance of counsel, cross-examination and confrontation, and compulsory process guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, section 10 of the Texas Constitution; due process and due course of law, guaranteed by the Fourteenth Amendment to the United States Constitution and Article I, sections 13, 19 and 29; and equal protection of the law, guaranteed by the Fourteenth Amendment to the United States Constitution and Article I, sections 3 and 3a of the Texas Constitution.

IV.

Defendant requests the Court to appoint: Dr. Antoinette McGarrahan, 12820 Hillcrest Road, Suite C-125, Dallas, Texas 75230.

WHEREFORE, PREMISES CONSIDERED, defendant prays that this Court appoint a mental health expert to assist him in the preparation of his defense and that the Court order the County Auditor to pay the costs of the mental health expert.

Respectfully submitted,



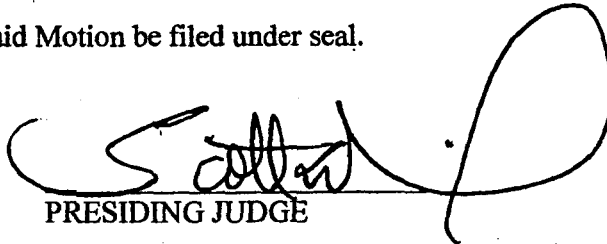
Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
817-275-6611
817-275-6621 (fax)
State Bar #11165800
Attorney for defendant

ORDER

On this February 13, 2013 day came to be considered the defendant's Motion to Appoint a Mental Health Expert. The Court, after considering the circumstances, found that said Motion should be in all things GRANTED and that Dr. Antoinette McGarrahan is appointed as a mental health expert in this cause. Funds limited to: \$6,000.

It is further ordered that Dr. Antoinette McGarrahan be allowed access to and visitation with Defendant while Defendant is incarcerated in the Tarrant County Jail.

It is further ordered that said Motion be filed under seal.



PRESIDING JUDGE

CAUSE NO. 1298688

THE STATE OF TEXAS	§	IN THE 372ND DISTRICT
	§	
VS.	§	COURT OF
	§	
THOMAS OLIVAS	§	TARRANT COUNTY, TEXAS

DEFENDANT'S EX PARTE MOTION FOR
EXPERT ASSISTANCE
(Under Seal)

NOTICE TO CLERK OF COURT: This application is to be considered EX PARTE and is filed for purposes of the record. This application is required to be SEALED, by law, and disclosure can be made ONLY to the TRIAL COURT and COUNSEL FOR DEFENDANT.

DISCLOSURE TO THE PUBLIC OR STATE IS PROHIBITED

MOTION FOR APPOINTMENT OF AN EXPERT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES THOMAS OLIVAS, and his attorney, Tim Moore, in the above styled and numbered cause, and respectfully moves the Court to appoint a Forensic Laboratory to assist in the preparation of his defense, and in support thereof would show the Court as follows:

I.

The Defendant is charged with the offenses of Capital Murder. The Defendant is unable to pay an attorney to represent him in this case.

II.

The Court has appointed the undersigned counsel to represent the Defendant in this case. The Defendant also requests that the Court appoint Quest Fire Analysis to assist defense counsel in representing the Defendant in this case. Article 26.05 C.C.P.; *Ake v. Oklahoma*, 470 U.S. 68 (1985); *Richardson v. State*, 744 SW2d (Tex.Crim.App. 1987); Article 1, Sections 10 and 19, Texas

Constitution.

WHEREFORE, the Defendant prays that this Court appoint an expert and authorize payment of reasonable fees and expenses for the expert relating to his case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. Moore", is written over a horizontal line.

TIM MOORE / SB# 14378300

Sundance Square

115 W. 2nd, Suite 202

Fort Worth, Texas 76102

(817) 332-3822

Fax (817) 332-2763

ATTORNEY FOR DEFENDANT

CAUSE NO. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

§
§
§
§
§

IN THE 372ND DISTRICT

COURT OF

TARRANT COUNTY, TEXAS

DEFENDANT'S SEALED, MOTION FOR APPOINTMENT OF EXPERT

Filed UNDER SEAL by order of the Court,

and not to be opened except upon further order of the Court


JUDGE PRESIDING

ORDER ON MOTION FOR APPOINTMENT OF EXPERT

FILED
TARRANT COUNTY
2013 MAR 28 AM 9:41
THOMAS A. HILLEN
DISTRICT CLERK

SCANNED

CAUSE NO. 1298688

THE STATE OF TEXAS

§
§
§
§
§

IN THE 372ND DISTRICT

VS.

COURT OF

THOMAS OLIVAS

TARRANT COUNTY, TEXAS

**ORDER ON EX PARTE MOTION FOR EXPERT
ASSISTANCE IN INDIGENT CASE**

(Under Seal)

Came on to be heard the Motion for Appointment of Expert of Defendant, THOMAS OLIVAS, in this case. Upon consideration of the motion and argument of counsel, it is hereby GRANTED. The Court hereby appoints Quest Fire Analysis to provide expert services to Defendant and to his counsel to assist the Defendant's counsel in representing the Defendant in this case. The Court hereby authorizes the payment of reasonable expert fees and expenses upon submission of a statement of the fees and expenses incurred. The Court further ORDERS the Tarrant County Sheriff to allow Quest Fire Analysis access to the Defendant in the Tarrant County Jail at any time. The Court further ORDERS that any reports, notes or observances by Quest Fire Analysis shall be delivered to Defendant's attorney of record, Mr. Tim Moore. The Court authorizes an initial payment of \$2,500.00.


 JUDGE PRESIDING

 FILED
 TARRANT COUNTY
 2013 MAR 28 PM 4:20
 THOMAS A. MILLER
 DISTRICT CLERK
ORDER ON MOTION FOR APPOINTMENT OF EXPERT

SCANNED

36

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL
DISTRICT COURT OF
TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY
2023 NOV - 4 AM 8:54
DISTRICT CLERK
W. A. HILL
Jm

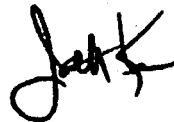
MOTION TO SUPPRESS - Statements

COMES NOW Defendant, in the above entitled and numbered cause, by and through his attorney of record, Joetta Keene, and move this Court to suppress the statements of the defendant. Further, defendant would move this Court to suppress all testimony of law enforcement officers, their agents, and all other persons working in connection with such officers and agent as to any statements of the defendant.

The defendant would show the Court that any statements made by the defendant were not voluntary and were obtained in violation of the defendant's constitutional rights under the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States, Article I, Section 10 of the Texas Constitution and Article 38.22 of the Texas Code of Criminal Procedure.

Defendant prays that the Court hold a pretrial hearing on this motion, and after hearing the evidence order the suppression of any and all statements made by the defendant.

Respectfully submitted,



Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
(817)275-6611
(817)275-6621(fax)
SBOT #11165800
Attorney for Defendant

SCANNED

Certificate of Service

On November 3, 2013, the foregoing Motion to Suppress was served on the Tarrant County District Attorney's Office at 401 W. Belknap St, Fort Worth, Texas 76196.



Joetta Keene

NO. SW-22045FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

APR 04 2011

TIME 4:24
BY [Signature] DEPUTY

IN RE APPLICATION OF THE)
 STATE OF TEXAS FOR)
 AN ORDER REGARDING)
 817-343-6690)
 PURSUANT TO)
 18 U.S.C. § 2703(d) &)
 TEX. CODE CRIM. PROC ART. 18.21)

TARRANT COUNTY, TEXAS

APPLICATION OF THE STATE OF TEXAS
FOR AN ORDER PURSUANT TO 18 U.S.C. § 2703 (d) and TEX. CODE CRIM. PROC
ART. 18.21
****UNDER SEAL****

COMES NOW, the State of Texas, by and through her Assistant District Attorney for Tarrant County, Texas, and hereby files this ex parte application for an order pursuant to 18 U.S.C. § 2703(d) and TEX. CODE CRIM. PROC ART. 18.21 to require **AT&T, Inc.**, to provide agents of the Tarrant County District Attorney's Office and agents of the Arlington Police Department cell site information for the dates of **1 March 2011** through **22 March 2011** regarding the usage of the cellular telephone assigned to cell number **817-343-6690**, as well as the subscriber information for the aforesaid cellular telephone, a list of the cell site locations in both latitude and longitude and their physical addresses maps indicating the location of the cell sites used by this cellular phone, and a call listing or billing records for the relevant time period. For good cause, the State would show the following:

I. Factual Background

The following information was provided by **B.P. STEWART, # 1362, DETECTIVE** for the ARLINGTON POLICE DEPARTMENT:

On Sunday, 20 March 2011, after 2200 hrs, Arlington Fire Department was dispatched to an apartment fire at 2216 Presidents Corner Drive, unit 601, in Arlington, Tarrant County, Texas. During efforts to suppress and extinguish the fire, firefighters discovered Mechelle Gandy, white female, lying in the kitchen area of the burning apartment. After she was pulled from the apartment and rescue efforts commenced, it was determined that she was deceased and appeared to have several stab wounds on her

body. Information gathered at the apartments and from Ms. Gandy's mother led investigators to attempt to determine the whereabouts of Ms. Gandy's 1-year-old son, Asher, who also resided at the apartment. His remains were later found in a bedroom of the apartment.

In speaking with family members of Ms. Gandy, the Arlington Police Department learned that Ms. Gandy had initiated a Suit to Establish the Parent-Child Relationship against Thomas Olivas, whom Ms. Gandy claimed was Asher's biological father. On the morning of March 21, 2011, Grapevine Police Department was unable to locate Mr. Olivas at his residence at the request of Arlington Police Department in its attempts to ascertain the whereabouts of the 1-year-old.

Upon contacting Mr. Olivas, Det. Stewart was told that Mr. Olivas had been in contact with Ms. Gandy on the evening of March 20, 2011. Mr. Olivas stated that he had driven to Arlington, but was unable to locate her apartment and decided to not meet with Ms. Gandy that evening.

Further Investigation has revealed that Mr. Olivas' cell phone number is **817-343-6690**, through **AT&T, Inc.**

II. Reasonable Grounds for Issuance

Investigation to date provides reasonable grounds to believe that **AT&T, Inc.** has records and other information pertaining to the said subscribers that is relevant and material to this ongoing criminal investigation. **AT&T, Inc.** has records that reflect the usage of cellular telephone customers and those records include cell site information. This cell site information shows which cell site the cellular telephone was in at the time of the cellular telephone's usage. Further, **AT&T, Inc.** has cell site maps that show the geographical location of all cell sites within its service area.

The records would help investigators establish a timeline up to and including the time of the aforementioned offense.

III. Legal Basis for Application ECPA 2703

AT&T, Inc. provides cellular telephone services and keeps records of those services. The production of records regarding said services is covered by the Electronic

Communications Privacy Act ('ECPA'). ECPA delineates the particular requirement that any "governmental entity" must meet in order to obtain access to the records and other information it is seeking.

In this application, the State seeks to obtain basic subscriber information, cell site data, and cell site maps pertaining to a specific customer of **AT&T, Inc.** that are stored. To obtain basic subscriber information, a governmental entity needs only a subpoena authorized by "a Federal or State statute or a Federal or State grand jury or trial subpoena" or "a court order for such disclosure under subsection (d) of this section." 18 U.S.C. § 2703(c)(1)(C). However, the State is seeking an order to obtain cell site data and map in addition to this data. According to ECPA, this court order is described in section 2703(d) as:

Section 2703(d) provides (in pertinent part):

(d) Requirements for court order.—A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction ¹ and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the . . . records or other information sought, are relevant and material to an ongoing criminal investigation. In the case of a State governmental authority, such a court order shall not issue if prohibited by the law of such State.

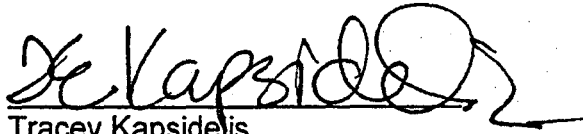
Texas law also tracks this language allowing such an order under the Texas Code of Criminal Procedure Art. 18.21, sec. 4-5. Accordingly, this application sets forth the facts showing that there are reasonable grounds to believe that the materials sought are relevant

¹ A "court of competent jurisdiction" has the meaning assigned by 18 U.S.C. § 3127. See 18 U.S.C. § 2711(3). Pursuant to Section 3127(2)(B), a court of competent jurisdiction includes "a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or trap and trace device." In Texas, district courts are authorized to authorize the use of pen registers and trap and trace devices. Tex. Code Crim. Proc. art. 18.21 § 2(a).

and material to the ongoing criminal investigation.

In addition, there are certain provisions of ECPA requiring the government to notify a suspect that the information has been obtained. We respectfully request that the court delay any such notice for 90 days as allowed under these same provisions.

WHEREFORE, PREMISES CONSIDERED, the State of Texas respectfully requests that the Court issue the attached Order directing **AT&T, Inc.** to provide the State of Texas with the records and information described herein.

A handwritten signature in black ink, appearing to read 'Tracey Kapsidelis', with a stylized flourish at the end.

Tracey Kapsidelis
Tarrant County Criminal District Attorney's Office
401 W. Belknap
Fort Worth, Texas
SBOT: 24012936

NO. SW-22033

IN RE APPLICATION OF THE)
STATE OF TEXAS FOR)
AN ORDER REGARDING)
TOWER DATA LOCATED)
WITHIN EIGHT MILES OF)
32.770232, 97.105327 REGISTERING)
WIRELESS PHONE ACCESS FROM)
817-343-6690)
PURSUANT TO)
18 U.S.C. § 2703(d) &)
TEX. CODE CRIM. PROC ART. 18.21)

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

APR 01 2011

TIME 12:32
BY SP DEPUTY

TARRANT COUNTY, TEXAS

ORDER
(UNDER SEAL)

This matter having come before the court pursuant to an application under Title 18, United States Code, Section 2703 (c) and TEX. CODE CRIM. PROC ART. 18.21, which application requests the issuance of an order directing AT&T, to disclose the following records regarding wireless access records stored on AT&T towers, specifically, for the TIME PERIOD of MARCH 20, 2011 FROM 1900 HOURS CENTRAL DAYLIGHT SAVINGS TIME ('CDST') TO 2359 HOURS CDST, wireless access records stored on towers located within eight miles of GPS coordinates 32.770232, 97.105327, historical cell tower data, but not the content of any communications, related to accesses made to the said towers by the cellular device associated with wireless number 817-343-6690 including:

1. Wireless access records stored by each tower contained within the above-described geographical area showing cell sites accessed by this cellular phone to maintain connection to the AT&T network;
2. Tower site locations of these accesses in both latitude and longitude and their physical addresses; and
3. Maps indicating the location of the towers.

The court finds that the applicant has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other information sought are relevant and material to an ongoing criminal investigation and are in the custody of AT&T.

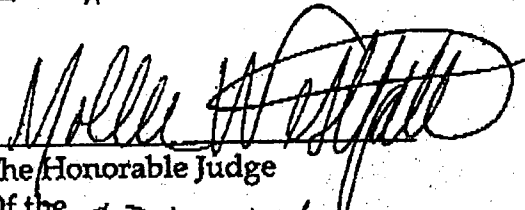
IT APPEARING that the information sought is relevant and material to an ongoing criminal investigation;

IT IS ORDERED, pursuant to Title 18, United States Code, Section 2703(d) and the Texas Code of Criminal Procedure Article 18.21, that AT&T will turn over to agents of the Office of the Tarrant County Criminal District Attorney and the ARLINGTON POLICE DEPARTMENT these records. It is also ordered that any applicable notices be delayed for a period of 90 days.

IT IS ORDERED that all records and information required to be provided pursuant by this order be provided in a commercially reasonable electronic format specified by the Investigative Agency; and that those records be delivered forthwith via electronic mail to the email address specified by the agent serving this order.

IT IS ORDERED that all telecommunications providers upon whom a copy of the order is served, not to disclose in any manner, directly or indirectly, by any action or inaction, to any person the existence of this order or the existence of this investigation, unless otherwise ordered by this court; and further that this application and order be SEALED.

Signed and entered this 1 day of April, 2011.


The Honorable Judge
Of the
3rd District COURT
TARRANT COUNTY, TEXAS

NO. SW-22033

IN RE APPLICATION OF THE)
 STATE OF TEXAS FOR)
 AN ORDER REGARDING)
 TOWER DATA LOCATED)
 WITHIN EIGHT MILES OF)
 32.770232, 97.105327 REGISTERING)
 WIRELESS PHONE ACCESS FROM)
 817-343-6690)
 PURSUANT TO)
 18 U.S.C. § 2703(d) &)
 TEX. CODE CRIM. PROC ART. 18.21)

FILED
 THOMAS A WILDER, DIST. CLERK
 TARRANT COUNTY, TEXAS

APR 01 2011

TIME 12:32
 BY [Signature] DEPUTY

TARRANT COUNTY, TEXAS

APPLICATION OF THE STATE OF TEXAS
FOR AN ORDER PURSUANT TO 18 U.S.C. § 2703 (d) and TEX. CODE CRIM. PROC
ART. 18.21
(UNDER SEAL)

COMES NOW, the State of Texas, by and through her Assistant District Attorney for Tarrant County, Texas, and hereby files this ex parte application for an order pursuant to 18 U.S.C. § 2703(d) and TEX. CODE CRIM. PROC ART. 18.21 to require AT&T to provide agents of the Tarrant County District Attorney's Office and agents of the ARLINGTON POLICE DEPARTMENT transactional wireless access records, customer records, and other information. This information is described as follows: for the TIME PERIOD of MARCH 20, 2011 FROM 1900 HOURS CENTRAL DAYLIGHT SAVINGS TIME ('CDST') TO 2359 HOURS CDST, including wireless transactional access records stored on towers located within eight miles of GPS coordinates 32.770232 and 97.105327, specifically historical cell tower data, but not the content of any communications related to 817-343-6690.

Requested data includes:

1. Wireless access records stored by each tower contained within the above-described geographical area showing cell sites accessed by this cellular phone to maintain connection to the AT&T network;
2. Tower site locations of these accesses in both latitude and longitude and

their physical addresses; and

3. Maps indicating the location of the towers..

For good cause, the State would show the following.

I. Factual Background

The following information was provided by B.P. STEWART, # 1362, DETECTIVE for the ARLINGTON POLICE DEPARTMENT:

On Sunday, 20 March 2011, after 2200 hrs, Arlington Fire Department was dispatched to an apartment fire at 2216 Presidents Corner Drive, unit 601, in Arlington, Tarrant County, Texas. During efforts to suppress and extinguish the fire, firefighters discovered Mechelle Gandy, white female, lying in the kitchen area of the burning apartment. After she was pulled from the apartment and rescue efforts commenced, it was determined that she was deceased and appeared to have several stab wounds on her body. Information gathered at the apartments and from Ms. Gandy's mother led investigators to attempt to determine the whereabouts of Ms. Gandy's 1-year-old son, Asher, who also resided at the apartment. His remains were later found in a bedroom of the apartment.

In speaking with family members of Ms. Gandy, the Arlington Police Department learned that Ms. Gandy had initiated a Suit to Establish the Parent-Child Relationship against Thomas Olivas, whom Ms. Gandy claimed was Asher's biological father. On the morning of March 21, 2011, Grapevine Police Department was unable to locate Mr. Olivas at his residence at the request of Arlington Police Department in its attempts to ascertain the whereabouts of the 1-year-old.

Upon contacting Mr. Olivas, Det. Stewart was told that Mr. Olivas had been in contact with Ms. Gandy on the evening of March 20, 2011. Mr. Olivas stated that he had driven to Arlington, but was unable to locate her apartment and decided to not meet with Ms. Gandy that evening.

AT&T customers access AT&T's networks via cell towers located throughout the

AT&T coverage area. These accesses occur even when no calls or messages are being sent by the customer. The accesses themselves are virtually invisible to the customer, but follow his/her cell phone when moving from one geographical area to the next. These accesses are not stored with the customer's data, the records of these accesses are stored in the tower's data only. The record is created when the cell phone periodically attempts to make contact with the closest cell tower *in case* a call is made or received.

II. Reasonable Grounds for Issuance

Investigation to date provides reasonable grounds to believe that AT&T has tower data containing accesses made by the cellular device associated with cell number 817-343-6690 that is relevant and material to this ongoing criminal investigation. This tower data shows which cell tower the cellular telephone was located in at any time whether it was used or not. Further, AT&T has cell site maps and tower locations that show the geographical location of all cell towers within its service area.

Officers in this case are seeking information to assist them in finding out whether the suspect Thomas Olivas, was present at or near the victim's home during the time when the fire was set.

III. Legal Basis for Application ECPA 2703 and Art. 18.18 Texas Code of Criminal Procedure

AT&T provides cellular telephone services and keeps records of those services. The production of records regarding said services is covered by the Electronic Communications Privacy Act ('ECPA'). ECPA delineates the particular requirement that any "governmental entity" must meet in order to obtain access to the records and other information it is seeking.

In this application, the State seeks to obtain location data stored on cell towers and maps in addition to this data. According to ECPA, this court order is described in

section 2703(d) as:

Section 2703(d) provides (in pertinent part):

(d) Requirements for court order.—A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction¹ and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the . . . records or other information sought, are relevant and material to an ongoing criminal investigation. In the case of a State governmental authority, such a court order shall not issue if prohibited by the law of such State.

Texas law also tracks this language allowing such an order under the Texas Code of Criminal Procedure Art. 18.21, sec. 4-5. Accordingly, this application sets forth the facts showing that there are reasonable grounds to believe that the materials sought are relevant and material to the ongoing criminal investigation.

In addition, there are certain provisions of ECPA requiring the government to notify a suspect that the information has been obtained. We respectfully request that the court delay any such notice for 90 days as allowed under these same provisions.

Applicant further requests that, upon request of the Investigative Agency, all records and information required to be provided pursuant by this order be provided in a commercially reasonable electronic format specified by the Investigative Agency; and that those records be delivered forthwith via electronic mail to the email address specified by the agent serving this order.

Applicant further requests that the court direct all telecommunications providers

¹ A “court of competent jurisdiction” has the meaning assigned by 18 U.S.C. § 3127. See 18 U.S.C. § 2711(3). Pursuant to Section 3127(2)(B), a court of competent jurisdiction includes “a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or trap and trace device.” In Texas, district courts are authorized to authorize the use of pen registers and trap and trace devices. Tex. Code Crim. Proc. art. 1821 § 2(a).

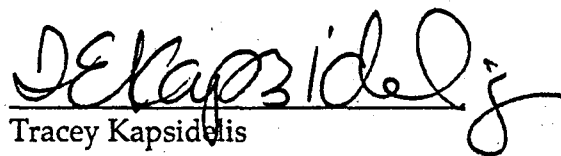
this application and order be SEALED.

WHEREFORE, PREMISES CONSIDERED, the State of Texas respectfully requests that the Court issue the attached Order directing AT&T to provide the State of Texas with the records and information described herein.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on

1 April 2011.

Respectfully Submitted,
JOE SHANNON, JR
TARRANT COUNTY DISTRICT ATTORNEY



Tracey Kapsidellis
Assistant District Attorney
401 W. Belknap
Fort Worth, Texas
817-884-1400
State Bar No. 24012936

NO.

22045
SW 22044FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

APR 04 2011

IN RE APPLICATION OF THE
STATE OF TEXAS FOR
AN ORDER REGARDING
817-343-6690PURSUANT TO
18 U.S.C. § 2703(d) &
TEX. CODE CRIM. PROC ART. 18.21TIME _____
BY _____ DEPUTY

TARRANT COUNTY, TEXAS

ORDER
****UNDER SEAL****

This matter having come before the court pursuant to an application under Title 18, United States Code, Section 2703 (c), which application requests the issuance of an order under Title 18, United States Code, Section 2703(d) directing AT&T, Inc., to disclose the following records regarding cell number 817-343-6690 for the period of 1 March 2011 through 22 March 2011:

1. Subscriber information for said telephone number;
2. Cell Site data for usage of this cell phone during said period;
3. A list of the cell site locations in both latitude and longitude and their physical addresses;
4. Cell Site Maps explaining the location of the cell towers accessed by this cell phone; and
5. Call listing or billing records for the relevant time period.

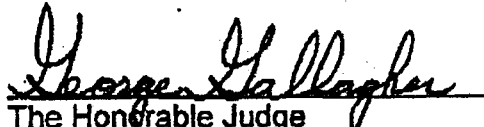
The court finds that the applicant has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other

information sought are relevant and material to an ongoing criminal investigation and are in the custody of **AT&T, Inc.**.

IT APPEARING that the information sought is relevant and material to an ongoing criminal investigation;

IT IS ORDERED, pursuant to Title 18, United States Code, Section 2703(d) and the Texas Code of Criminal Procedure Article 18.21, that **AT&T, Inc.** will turn over to agents of the Office of the Tarrant County Criminal District Attorney and the **Arlington Police Department** these records. It is also ordered that any applicable notices be delayed for a period of 90 days.

Signed and entered this 4 day of April, 2011.


The Honorable Judge
Of the
396th District COURT
TARRANT COUNTY, TEXAS

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL

DISTRICK COURT OF

TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY
2013 NOV -4 AM 8:54
TARRANT COUNTY CLERK
M

MOTION TO INSPECT, EXAMINE AND TEST PHYSICAL EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes, defendant in the above styled and numbered cause, and moves this Court to order the state to produce certain items of physical evidence in its possession and control for inspection and testing, if necessary, by the Defendant and experts designated by the Defendant:

1. All clothing taken as evidence from defendant, co-defendant, the complainant, and any other person connected to this case;
2. All weapons allegedly used in the case, along with spent shells, cartridges, slugs, bullets, waddings, fragments and ammunition recovered at the scene or from the body of complainant;
3. All fingerprints taken as part of the investigation of this case;
4. All blood samples, bodily fluids, tissues or hair samples taken from the scene of the alleged crime or from the person of defendant, or the home or vehicle of defendant or from any complainant or witness;
5. All physical evidence, including photographs, relied upon by experts used or to be called as witnesses by the state at trial;
6. All other physical evidence taken by the state from the scene of the alleged crime or from any complainant as part of its investigation in this case.

The request for inspection, examination and testing of the specific items set out above is essential to ensure the defendant the right to a fair hearing, the right to confrontation, the right to prepare a defense in behalf of defendant and the right to effective assistance of counsel and due process of law guaranteed by the Sixth and Fourteenth Amendments to the United States

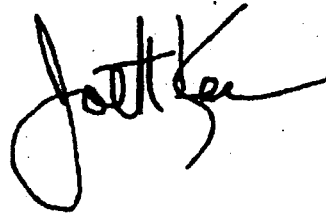
SCANNED

Constitution, Article I, §§ 10, 13 and 19 of the Texas Constitution.

WHEREFORE, PREMISES CONSIDERED, defendant prays:

- A. That the District Attorney be ordered to produce all items of physical evidence described herein and to allow the defendant and experts designated by the defendant the right to examine, inspect, photograph and conduct scientific tests on said items at a specific time and place to be fixed by the court.
- B. That the time set for inspection, testing and photographing of the items requested be at a reasonable time in advance of trial.
- C. That the Court enter an order requiring the District Attorney's office to make continuing disclosure of all additional items of physical evidence obtained by the State concerning the charges against this defendant.
- D. That the Court set this motion down for an evidentiary hearing.

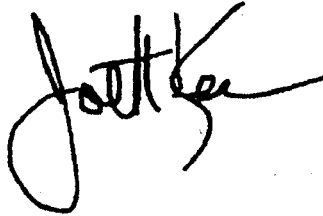
Respectfully submitted,



Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
(817)275-6611
(817)275-6621(fax)
SBOT #11165800
Attorney for Defendant

Certificate of Service

On the November 3, 2013 the foregoing was served on the Tarrant County District Attorney's Office, 401 W. Belknap, Fort Worth, Texas 76196 via email



Joetta Keene

ORDER

On _____, came on to be considered Defendants Motion to Inspect, Examine and Test Physical Evidence, and said motion is hereby

(GRANTED) (DENIED).

Time and Place for inspection: _____

JUDGE PRESIDING

FILED
TARRANT COUNTY
2013 NOV -4 AM 8:54
THOMAS A. MILLER
DISTRICT CLERK
MN

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL

DISTRICK COURT OF

TARRANT COUNTY, TEXAS

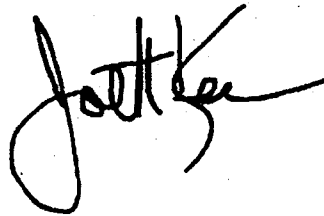
MOTION TO SUPPRESS

COMES NOW Defendant, in the above entitled and numbered cause, by and through his attorney of record, Joetta Keene, and move this Court to suppress the physical evidence seized. Further, defendant would move this Court to suppress all testimony of law enforcement officers, their agents, and all other persons working in connection with such officers and agent as to the finding of any physical evidence or the taking of any photographs of said evidence.

In support of the motion, the defendant would show the Court that the evidence seized and obtained was the result of a search warrant of the defendant's residence. This search warrant is without probable cause and, thus, the search was in violation of defendant's constitutional rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, Article I, Section 9 of the Texas Constitution and Article 38.23 of the Texas Code of Criminal Procedure. Further, said search was not the result of actual consent by the defendant.

Defendant prays that the Court hold a pretrial hearing on this motion, and after hearing the evidence order the suppression of any and all evidence taken from defendant and to suppress any all statements made by the defendant.

Respectfully submitted,

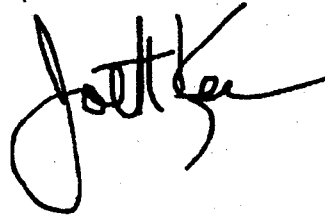


Joetta Keene

204 S. Mesquite St.
Arlington, Texas 76010
(817)275-6611
(817)275-6621(fax)
SBOT #11165800
Attorney for Defendant

Certificate of Service

On November 3, 2013 the foregoing Motion to Suppress was served on the Tarrant County District Attorney's Office at 401 W. Belknap St, Fort Worth, Texas 76196.

A handwritten signature in black ink, appearing to read 'Joetta Keene', written over a horizontal line.

Joetta Keene

CAUSE NO. 1298688

THE STATE OF TEXAS

§

IN THE 372ND

§

VS.

§

DISTRICT COURT OF

§

THOMAS OLIVAS

§

TARRANT COUNTY, TEXAS

ORDER ON MOTION TO SUPPRESS

On this the _____ day of _____, 2014, came on to be heard
the Defendant's Motion to Suppress. After considering the evidence and the argument of
counsel,

IT IS HEREBY _____.

SIGNED AND ENTERED this _____ day of _____, 2014.

JUDGE PRESIDING

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL

DISTRICT COURT OF

TARRANT COUNTY, TEXAS

**REQUEST FOR NOTICE OF INTENT TO OFFER EXTRANEIOUS CONDUCT
UNDER RULE 404(b) AND EVIDENCE OF AN EXTRANEIOUS CRIME OR BAD
ACT UNDER ARTICLE 37.07**

TO THE TARRANT COUNTY DISTRICT ATTORNEY'S OFFICE:

I.

Pursuant to Rule 404(b) of the Texas Rules of Criminal Evidence, defendant requests the state to give reasonable notice in advance of trial of its intent to introduce in its case-in-chief evidence of crimes, wrongs, or acts other than that arising in the same transaction.

II.

Pursuant to Article 37.07 of the Texas Code of Criminal Procedure, defendant requests that the state give reasonable notice of intent to introduce against the defendant evidence of an extraneous crime or bad act at the punishment phase of the trial.

Respectfully submitted,

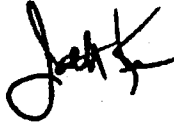


Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
817-275-6611
817-275-6621(fax)
SBOT #11165800
Attorney for defendant

FILED
TARRANT COUNTY
2013 NOV -4 AM 8:54
THOMAS OLIVAS
DISTRICT CLERK
M

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Request for Notice of Intent to Offer Extraneous Conduct Under Rule 404(b) and Evidence of an Extraneous Crime or Bad Act under Article 37.07 was emailed to the Tarrant County District Attorney's Office, 401 W. Belknap, Fort Worth, Texas on November 3, 2013.



Joetta Keene

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL

DISTRICT COURT OF

TARRANT COUNTY, TEXAS

MOTION IN LIMINE
Convictions and Extraneous Bad Acts

FILED
TARRANT COUNTY
2023 NOV -4 AM 8:54
THOMAS A. OLIVAS
DISTRICT CLERK

Now comes the defendant in the above styled and numbered cause, and moves this Court before trial in limine for an order instructing the District Attorney, and the District Attorney's representatives and witnesses, to refrain from making any direct or indirect reference whatsoever, at trial before the jury to any of the following matters:

1. Defendant moves to exclude all extraneous crime or misconduct evidence, which is not alleged in the indictment, unless it can be shown by sufficient proof that defendant perpetrated such conduct, that this evidence is relevant to a material issue in the case, other than character conformity, and that its probative value outweighs its potential for prejudice.

2. Defendant also moves to exclude all extraneous crime or misconduct evidence, notice of which was provided by the state as required by Rules 404(b) and 609(f) of the Texas Rules of Evidence, and 37.07 of the Texas Code of Criminal Procedure.

3. If the prosecutor is allowed to allude to, comment upon, inquire about, or introduce evidence concerning, any of the above matters, ordinary objections during the course of trial, even sustained and including proper instructions to the jury, will not remove the harmful effect of the evidence in view of its highly prejudicial content.

WHEREFORE, PREMISES CONSIDERED, defendant, prays that this Court order and instruct the District Attorney and the District Attorney's representatives and witnesses, not to elicit or give testimony respecting, allude to, cross-examine respecting, mention, or refer to any of the above matters until a hearing has been held outside the presence of the jury at which time this Court can determine the admissibility of these matters.

Respectfully submitted,



Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
817-275-6611
817-275-6621(fax)
SBOT #11165800
Attorney for Defendant

Certificate of Service

On November 3, 2013 a copy of the foregoing was served on the Tarrant County District Attorney's Office, 401 W. Belknap St., Fort Worth, Texas 76196 via email.



Joetta Keene

ORDER

On _____, came on to be considered Defendant's Motion in Limine, and said motion is hereby

(GRANTED) (DENIED).

JUDGE PRESIDING

FILED
TARRANT COUNTY
CLERK
A. M. HENDERSON
DISTRICT CLERK
AUG 16 2022
AM 8:54
W

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL

DISTRICT COURT OF

TARRANT COUNTY, TEXAS

MOTION IN LIMINE
Defendant's Statements

Now comes, defendant in the above styled and numbered cause, and moves this Court before trial in limine for an order instructing the District Attorney, and the District representatives and witnesses, to refrain from making any direct or indirect reference whatsoever, at trial before the jury to any of the following matters:

1. Defendant moves to exclude into evidence before the jury all statements made by defendant to law enforcement until they are ruled by the Court to be admissible.
2. If the prosecutor is allowed to allude to, comment upon, inquire about, or introduce evidence concerning, any of the above matters, ordinary objections during the course of trial, even sustained and including proper instructions to the jury, will not remove the harmful effect of the evidence in view of its highly prejudicial content.

WHEREFORE, PREMISES CONSIDERED, defendant, prays that this Court order and instruct the District Attorney and the District representatives and witnesses, not to elicit or give testimony respecting, allude to, cross-examine respecting, mention, or refer to any of the above matters until a hearing has been held outside the presence of the jury at which time this Court can determine the admissibility of these matters.

Respectfully submitted,



Joetta Keene

204 S. Mesquite St.
Arlington, Texas 76010
(817)275-6611
(817)275-6621(fax)
SBOT #11165800
Attorney for Defendant

Certificate of Service

Doc. 3
On ~~September 17~~, 2013 the above Motion in Limine was served on the prosecutor handling the case at the Tarrant County District Attorney's Office, 401 W. Belknap St., Fort Worth, Texas 76196 via email.



Joetta Keene
Attorney for defendant

ORDER

On _____, came on to be considered Defendant's Motion in Limine, and said motion is hereby

(GRANTED) (DENIED).

JUDGE PRESIDING

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL

DISTRICK COURT OF

TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY
2013 NOV -4 AM 8:54
THOMAS J. WILDER
DISTRICT CLERK

DEFENDANT'S MOTION TO CONDUCT VOIR DIRE
EXAMINATION OF STATE'S EXPERT WITNESSES

COMES NOW, Defendant, by and through his attorney of record, Joetta Keene, and respectfully moves the Court to allow the Defendant to conduct a voir dire examination of any expert witnesses called by the State in the trial of the above styled and numbered cause. The Defendant hereby makes formal request for such hearing under rule 705(b) of the Texas Rules of Criminal Evidence, that prior to any expert called by the State, or prior to the testimony of such experts, that the Defendant first be permitted to conduct, outside the presence of the jury, a voir dire examination of the witness directed to the underlying facts or data upon which any opinion is based.

Respectfully submitted,



Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
817-275-6611
817-275-6621(fax)
SBOT #11165800
Attorney for defendant

SCANNED

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was delivered to the District Attorney's Office, at Tarrant County Justice Center, 401 W. Belknap, Fort Worth, Texas via email on ~~September~~ 17, 2013.

Nov 3
JL



Joetta Keene

Cause No. 1298688

THE STATE OF TEXAS

IN THE 372nd CRIMINAL

VS.

DISTRICK COURT OF

THOMAS OLIVAS

TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY
2013 NOV -4 AM 8:54
THOMAS A. HILDEBRAND
DISTRICT CLERK

**DEFENDANT'S MOTION FOR DISCLOSURE OF EXPERT
WITNESS INFORMATION PURSUANT TO ART. 39.14(b) CCP**

COMES NOW, Defendant, by and through his attorney of record, Joetta Keene, and respectfully moves the Court to ORDER counsel for the State of Texas to disclose pursuant to Art. 39.14(b) of the Texas Code of Criminal Procedure the name and address of each person counsel may use at trial to present evidence under rules 702, 703 and 705 of the Texas Rules of Evidence.

Respectfully submitted,



Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
817-275-6611
817-275-6621(fax)
SBOT #11165800
Attorney for defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was delivered to the District Attorney's Office, at Tarrant County Justice Center, 401 W. Belknap, Fort Worth, Texas via email on ~~September 17~~, 2013.

nov 3
file



Joetta Keene

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL

DISTRICK COURT OF

TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY
2013 NOV -4 AM 8:54
JIMMIE A. MILLER
DISTRICT CLERK

MOTION FOR DISCOVERY

On this day, Defendant, files this Motion for Discovery and shows this motion is filed pursuant to the protection of Defendant's rights under Article 39.14 of the Texas Code of Criminal Procedure, the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and Article I, Sections 10 and 19 of the Constitution of the State of Texas.

The Motion requests the information described below which is known or by the exercise of due diligence may become known to the attorney for the State:

1. The name and address of any person interviewed by representatives of the State of Texas, whether an employee of a law enforcement agency or of the Office of the Tarrant County District Attorney or otherwise, in connection with this case.

GRANTED/DENIED

2. Any and all statements taken from any persons interviewed by representatives of the State of Texas in connection with this case and any forms or documents signed by any of those persons.

GRANTED/DENIED

3. All oral, written or recorded statements or memoranda of same made by the Defendant to any investigating officer or to any member of law enforcement agency or to any third party which is in the possession of or within the knowledge of the Office of the Tarrant County District Attorney, or any agent thereof, including any law enforcement agency.

GRANTED/DENIED

4. The name, address, and telephone number(s) of any person the state knows to have been present at the time and place of the alleged offense.

SCANNED

GRANTED/DENIED

5. The name, address, and telephone number(s) of any person known by the State to possess testimonial or real evidence material to the alleged offense.

GRANTED/DENIED

6. All statements made by any party or witness of this alleged offense, in the possession of or within the knowledge of the Office of the Tarrant County District Attorney, or any of its agents, including any law enforcement agency, whether such statements were written or oral, which might in any manner be material to either the guilt or innocence of the Defendant or to the punishment, if any, to be set in this case.

GRANTED/DENIED

7. The name, address and criminal arrest and/or conviction records, if any, of any witness who will testify for the State of Texas in this case, whether the witness is an agent of the State or otherwise.

GRANTED/DENIED

8. Any written statements given by witnesses who will testify for the State of Texas in this case or transcripts or oral statements by them, and in the case of agents of the State of Texas, copies of any official report made by them, together with any preliminary notes from which such reports were made.

GRANTED/DENIED

9. The name, rank and badge number of any law enforcement officer and any employee of the Office of the Tarrant County District Attorney who participated in any way in the investigation of this case, whether at the scene, in transporting Defendant, at the Police Station, at the Tarrant County Jail or elsewhere.

GRANTED/DENIED

10. Any and all physical evidence of whatever nature in the possession of the investigating law enforcement agency, the Office of the Tarrant County District Attorney, or other agents of the State of Texas in connection with this case.

GRANTED/DENIED

11. Any photographs, drawings, or charts made by any law enforcement agency, the Tarrant County District Attorney's office, or anyone else, which may have been made with reference to this case.

GRANTED/DENIED

12. The results of any scientific test made by a State agency or a contract agency at the request of any law enforcement agency or the Tarrant County District Attorney's office with reference to the Defendant's case.

GRANTED/DENIED

13. Any property allegedly seized from the Defendant in connection with this case, whether such property belongs to the Defendant, to another or whether ownership is disputed.

GRANTED/DENIED

14. The prior criminal record, if any, of the Defendant, including all arrests and convictions, whether as a juvenile or as an adult.

GRANTED/DENIED

15. The prior criminal record, if any, of any Co-Defendants, or witnesses of the State, including all arrests and convictions, whether as a juvenile or as an adult.

GRANTED/DENIED

16. The names and locations of any expert witnesses that the State intends to call and a summary of the expected nature of their testimony.

GRANTED/DENIED

Defendant requests that this Motion for Discovery be granted.

Respectfully submitted,



Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
817-275-6611
817-275-6621 (fax)
State Bar of Texas No. 11165800
Attorney for Defendant

Certificate of Service

AK
no 3
On ~~September 17~~, 2013 served a copy of the foregoing on the prosecutor handling this case with the Tarrant County District Attorney's Office, 401 W. Belknap St, Fort Worth, Texas, 76196 via email to prosecutor



Joetta Keene

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

IN THE 372nd CRIMINAL
DISTRICT COURT OF
TARRANT COUNTY, TEXAS

**MOTION FOR PRODUCTION OF EVIDENCE
FAVORABLE TO THE ACCUSED**

Defendant, files this Motion for Production of Evidence Favorable to the Accused and

shows the following:

1. This motion is filed pursuant to the rights of the defendant under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 10 and 19 of the Constitution of the State of Texas.

2. This motion seeks that the Court issue orders instructing the State's attorney to make available for Defendant's inspection and copying or photocopying of evidence meeting the following criteria:

a. evidence or information within the possession, custody or control of the State of Texas, or any of its agencies, and which is known to be in existence or by the exercise of due diligence may become known to the State's attorney and

b. which is favorable to the Defendant on the issue of guilt or innocence or

c. which may tend to mitigate or lessen punishment in the event the Defendant is found guilty. *Brady v. Maryland*, 373 U.S. 83 S. Ct. 1194, 10 L.Ed.2d. 215 (1963).

3. The request for *Brady* material includes, but is not limited to the following:

a. Any written or recorded statements of any person which contains information favorable to the Defendant.

b. The substance of any oral statement of any person which contains information

FILED
TARRANT COUNTY
2023 NOV - 14 AM 8:54
THOMAS A. WILDER
DISTRICT CLERK

SCANNED

favorable to the Defendant.

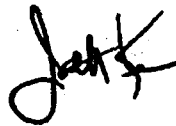
c. The names and addresses of all persons who have, or who may have, information favorable to the Defendant.

d. The names and address of all persons interviewed by the State in connection with this case, but whom the State does not intend to call as witnesses in this case.

e. Any information which may tend adversely to affect the credibility of any person called as a witness by the State, including the arrest and/or conviction record of each State witness, and including any offers of immunity or lenience, whether made directly or indirectly, to any State's witness in exchange for testimony.

Defendant respectfully requests that this Motion be granted.

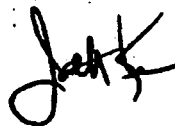
Respectfully submitted,



Joetta Keene
204 S. Mesquite
Arlington, Texas 76010
817-275-6611
817-275-6621(fax)
SBOT #11165800
Attorney for defendant

Certificate of Service

On November 3, 2013 a copy of the foregoing was served on the Tarrant County District Attorney's Office, 401 W. Belknap St., Fort Worth, Texas, 76196 via email to prosecutor.



Joetta Keene

CAUSE NO. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

§
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§
§
§

IN THE 372ND

DISTRICT COURT OF

TARRANT COUNTY, TEXAS

MOTION TO SUPPRESS EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Defendant, THOMAS OLIVAS, by and through his attorneys of record, TIM MOORE & JOETTA KEENE, and respectfully moves this Honorable Court to suppress the AT&T records related to the Defendant's cellular phone, phone number 817-343-6690, that were obtained by law enforcement personnel during the investigation of this cause. In support thereof, the Defendant would show the Court the following:

I.

On April 1, 2011, Assistant District Attorney for Tarrant County, Texas Tracey Kapsidelis presented an, "Application of the State of Texas for an Order Pursuant to 18 U.S.C. §2703(d) and Tex. Code Crim. Proc Art. 18.21", (see attached exhibit A), to District Judge Mollee Westfall, requiring AT&T to provide agents of the Tarrant County District Attorney's Office and the Arlington Police Department transactional wireless access records, customer records and other information including historical cell tower data, but not content of any communication, related to 817-343-6690, the Defendant's cell phone number. Judge Westfall signed the Order (see attached exhibit B) ordering AT&T to provide these records to law enforcement agents.

II.

On April 4, 2011, Assistant District Attorney Tracey Kapsidelis presented a similar Application (see attached exhibit C) to District Judge George Gallagher requesting an Order that AT&T provide agents of the Tarrant County District Attorney's Office and agents of the Arlington

FILED
TARRANT COUNTY
2013 NOV 20 AM 10:00
THOMAS A. WILLIAMS
DISTRICT CLERK

Police Department with additional records regarding the usage of the cellular telephone assigned to cell number 817-343-6690, including a list of the cell site locations in both latitude and longitude and their physical addresses maps indicating the location of the cell sites used by this cellular phone and a call listing or billing records for the relevant time period. Judge Gallagher signed the Order, (see attached exhibit D), ordering AT&T to provide these records to law enforcements agents.

III.

The Defendant had a reasonable expectation of privacy in the location of his cell phone. The government therefore must obtain a search warrant based on a showing of probable cause, or qualify for an exception to the warrant requirement, to obtain tracking information through the use of a cell phone. The government obtained these records not with a search warrant, but through an application pursuant to 18 U.S.C. §2703(d) & Texas Code of Criminal Procedure Art. 18.21, in violation of Fourth and Fourteenth Amendments to the United States Constitution, Article I Section 9 of the Texas Constitution, and Article 38.23 of the Texas Code of Criminal Procedure.

WHEREFORE, the Defendant respectfully moves that this Honorable Court:

1. Set this Motion to Suppress for a pretrial hearing pursuant to Article 28.01 C.C.P.
2. Suppress all AT&T records regarding cell phone number 817-343-6690 that the government obtained by Application as described herein.

Respectfully submitted,

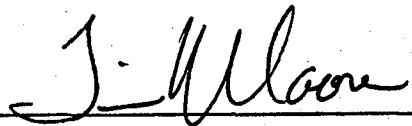


TIM MOORE
Sundance Square
115 W. 2nd Street, Suite 202
Fort Worth, Texas 76102
817-332-3822 Telephone

817-332-2763 Fax
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion was mailed/hand delivered to the Tarrant County District Attorney's Office, 401 W. Belknap, Fort Worth, Texas on this 20 day of November, 2013.


TIM MOORE

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

§
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IN THE 372nd DISTRICT

COURT OF

TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY
2013 DEC -4 AM 10:43
THOMAS OLIVAS
DISTRICT CLERK

MOTION FOR THE PRODUCTION OF GRAND JURY RECORDS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, THOMAS OLIVAS, Defendant in the above-styled and numbered cause, by and through his attorney of record, TIM MOORE, and files this his Motion for the Production of Grand Jury Records. In support thereof, Defendant would show the Court as follows:

I.

That the Defendant requests this Court to order the District Attorney to provide Grand Jury items or records obtained pursuant to subpoena, including video coverage by local media.

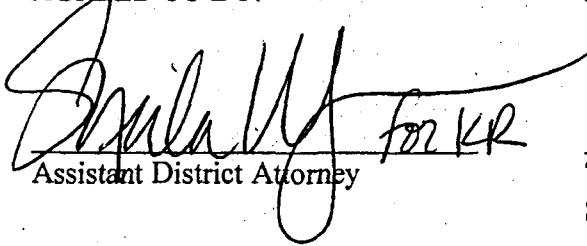
II.

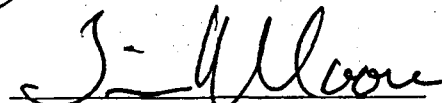
That each and every remedy requested above is made in good faith. Further, that to deny the Defendant the relief herein requested will serve to deprive him of the rights to which he is entitled under the Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States and Article I, Section 3; Article I, Section 10; Article I, Section 13; and Article I, Section 19, of the Constitution of the State of Texas, as well as applicable Articles of the Texas Code of Criminal Procedure.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court grant the relief requested in the foregoing Motion for the Production of Grand Jury Records and enter such orders as may be appropriate.

AGREED TO BY:


Respectfully submitted,


Assistant District Attorney


TIM MOORE/ SB#14378300
Sundance Square
115 W. 2nd, Suite 202
Fort Worth, Texas 76102
(817) 332-3822

CERTIFICATE OF SERVICE

On this the 27 day of November 2013, I hereby certify that a true and correct copy of the above and foregoing Motion For the Production of Grand Jury Records was delivered to Tarrant County District Attorney's Office, 401 W. Belknap Street, Fort Worth, Texas 76196.


TIM MOORE

Cause No. 1298688

THE STATE OF TEXAS

IN THE 372nd CRIMINAL

VS.

DISTRICK COURT OF

THOMAS OLIVAS

TARRANT COUNTY, TEXAS

**ORDER TO PRODUCE TCIC/NCIC
RECORDS**

It is hereby ordered that the Tarrant County District Attorney's Office *obtain* ~~provide~~ copies of the TCIC/NCIC of any potential witness in this case. It is ordered in that a particularized need exist for the defense to review said records to adequately prepare for trial. Specifically, but not limited to the following potential witnesses TCIC/NCIC are to be provided as soon as possible:

1. Mechelle Danielle Gandy, 7/20/84
2. Paul Isaac Lopez, 8/9/83
3. Celia Amanda Murillo, 2/9/86
4. Stanley Cantly, 7/6/63
5. Rebeca Raudry, 9/12/80
6. Amanda Row, 3/18/61
7. Kathryn Knight, 8/6/85
8. Margarita Compos, 8/7/78
9. Cameron Livingston, 9/5/90
10. Timothy Ryan Jopson, 1/20/87
11. Darwin Johnson, 7/4/83
12. Kristain Renae Perdue, 7/5/84
13. Christopher Grant, 11/10/83
14. Lori Maier, 10/21/85
15. Isaac Huerta, 10/22/82
16. Wasim Merchant, 4/17/82

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

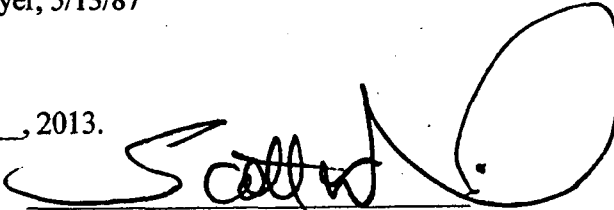
DEC 17 2013

TIME 1017
BY 080 DEPUTY

SCANNED

17. Steven Boswell, 7/22/87
18. Shelly Slaughter, 10/4/84
19. Richard Armistead, 9/3/68
20. Gabriel Salinas, 9/7/82
21. Ryan Bridges, 3/18/78
22. Michael McClure, 9/27/13
23. Tracey Toler, 7/30/80
24. Melissa Milam, 1/18/81
25. Rhonda Martin, 10/5/60
26. Kenny Kinsley, 7/23/74
27. Rodney Collins, 8/26/65
28. Mary Biggs, 10/2/79
29. Michael Kriechbaum, 1/3/78
30. Eileen Marie Hott, 6/2/65
31. Marcus Terrance Taylor, 7/19/88
32. Miles Edward Ryan Thayer, 5/13/87

Signed this 12-17, 2013.


Presiding Judge

Records to be presented to court
by January 10, 2013. SA ✓

Cause No. 1298688

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

§
§
§
§
§

IN THE 372nd DISTRICT

COURT OF

TARRANT COUNTY, TEXAS

ORDER

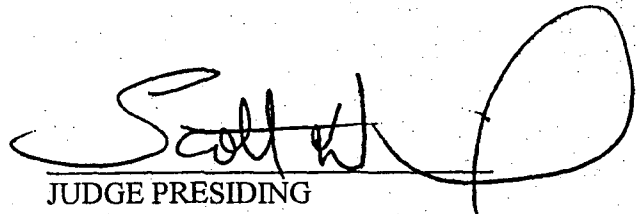
On this the 4th day of December, 2013, the foregoing

Motion having been presented to the Court and the Court having considered said Motion

hereby finds that the Motion be GRANTED/DENIED.

IT IS ORDERED that the State provide the Defendant with Grand Jury items or records obtained pursuant to subpoena, including video coverage by local media.

SIGNED this 4th day of December, 2013.


JUDGE PRESIDING

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

DEC 04 2013

TIME 10:15
BY [Signature] DEPUTY

NO. 1298688

THE STATE OF TEXAS

VS

OLIVAS, THOMAS

In the 372nd Judicial

District Court of

TARRANT COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her Criminal District Attorney, and respectfully requests the Court to dismiss the above and numbered action for the reason:

- ☐ DM01 Insufficient Evidence. Specify:
- ☐ DM02 The defendant was convicted in Cause No. _____ on the _____ day of _____,
- ☐ DM03 The complaining witness has requested dismissal - affidavit on file.
- ☒ DM04 The case has been ~~renewed~~ reindicted as Cause No. **1352014R**
- ☐ DM05 The defendant has never been apprehended.
- ☐ DM06 The defendant is deceased - death certificate on file.
- ☐ DM07 Defendant granted immunity for testimony.
- ☐ DM08 Other. Specify:
- ☐ DM09 Prosecution is barred by the Speedy Trial Act.
- ☐ DM10 The defendant has been placed in the deferred prosecution program.
- ☐ DM11 The defendant has completed Defensive Driving school.
- ☐ DM12 The defendant will pay Court Costs.
- ☐ DM13 The defendant has completed Deferred Adjudication.

WHEREFORE, it is prayed that the above entitled and numbered cause be dismissed

Respectfully submitted,

JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS



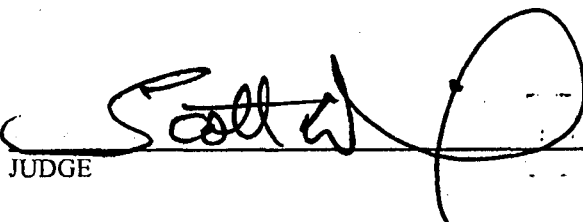
ASSISTANT CRIMINAL DISTRICT ATTORNEY

The foregoing petition having been presented to me on this the **6** day of **October** A.D. 20**14**, and the same having been considered, it is therefore ORDERED, ADJUDGED and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

OCT 06 2014

TIME 9:45 am
BY [Signature] DEPUTY



JUDGE

82

SCANNED

DIRECT REINDICTMENT 11298688D

NAME THOMAS OLIVAS

ADDRESS 1603 OAK CREEK LN

BEDFORD TX 76022

RACE W SEX M AGE 31 DOB 11/28/1982

CASE NO. 1352014 DATE FILED 12/12/2013

CID NO. 0802418

OFFENSE MURDER - CAPITAL MULTIPLE

DATE 3/20/2011

I.P. ASHER OLIVAS, MECHELLE GANDY

AGENCY Arlington PD

OFFENSE NO. 110016602

COURT 372nd District Court

INDICTMENT NO. 1352014 R

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS,

duly elected, tried, empaneled, sworn, and charged to inquire of offenses committed in Tarrant County, in the State of Texas, upon their oaths do present in and to the

of said County that THOMAS OLIVAS, hereinafter called Defendant, in the County of Tarrant and State aforesaid, on or about the 20th day of March 2011, did

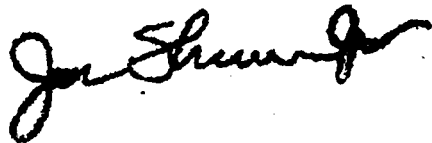
THEN AND THERE INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, MECHELLE GANDY, BY CUTTING HER OR STABBING HER WITH AN ITEM, THE EXACT NATURE OF WHICH IS UNKNOWN TO THE GRAND JURY, AND DURING THE SAME CRIMINAL TRANSACTION THE DEFENDANT INTENTIONALLY OR KNOWINGLY CAUSED THE DEATH OF ANOTHER INDIVIDUAL, ASHER OLIVAS, BY STRANGLING HIM EITHER WITH HIS HANDS OR BY A MEANS WHICH IS UNKNOWN TO THE GRAND JURY,

PARAGRAPH TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 20TH DAY OF MARCH, 2011 DID THEN AND THERE INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, MECHELLE GANDY, BY CUTTING HER OR STABBING HER WITH AN ITEM, THE EXACT NATURE OF WHICH IS UNKNOWN TO THE GRAND JURY, AND DURING THE SAME CRIMINAL TRANSACTION THE DEFENDANT INTENTIONALLY OR KNOWINGLY CAUSED THE DEATH OF ANOTHER INDIVIDUAL, ASHER OLIVAS, BY SETTING FIRE TO HIS BODY,

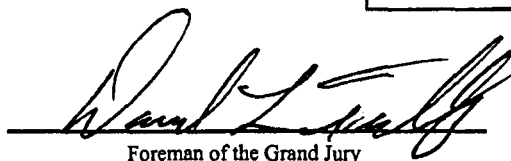
PARAGRAPH THREE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 20TH DAY OF MARCH, 2011 DID THEN AND THERE INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, MECHELLE GANDY, BY CUTTING HER OR STABBING HER WITH AN ITEM, THE EXACT NATURE OF WHICH IS UNKNOWN TO THE GRAND JURY, AND DURING THE SAME CRIMINAL TRANSACTION THE DEFENDANT INTENTIONALLY OR KNOWINGLY CAUSED THE DEATH OF ANOTHER INDIVIDUAL, ASHER OLIVAS, BY SETTING FIRE TO HIS BODY BY IGNITING A COMBUSTIBLE OR FLAMMABLE MATERIAL WITH AN OPEN FLAME,

NAME THOMAS OLIVAS
CASE NO. 1352014
PAGE 2 of 2

AGAINST THE PEACE AND DIGNITY OF THE STATE.



Criminal District Attorney
Tarrant County, Texas
INDICTMENT - ORIGINAL



Foreman of the Grand Jury

Filed (Clerk's use only)	
FILED	
THOMAS A WILDER, DIST. CLERK	
TARRANT COUNTY, TEXAS	
DEC 12 2013	
TIME	3:30
BY	13 DEPUTY

STATE OF TEXAS Vs. 1352014R OLIVAS, THOMAS
 No. CAPITAL MURDER-MULTIPL
 Offense 0372 CID 882418
 NCIC # 8999826
 TRN# 9187359561
 DOB: 11/28/82
 OFF # 899826
 CTFD: 12/12/13

RECORD OF CRIMINAL ACTIONS

DETAINER _____

(CRIMINAL) DISTRICT COURT _____

TRANSFERRED TO _____

DEC 1 2 2013 INDICTMENT RETURNED AND FILED

DEC 1 2 2013 Reindictment of Cause # 1298688D
 STATES ANNOUNCEMENT OF READY FILED 80121343
 DEC 1 3 2013 INDICTMENT RETURNED. WARRANT ISSUED. BOND SET AT \$1,000,000
 Jan Moore Aggr
 1-10-14 Bench warrant issued - return Exec. 1-10-14
 1-13-14 State's motion set of trial
 1-16-14 State's motion
 1-16-14 Defendant's motion set of trial
 1-21-14 Agreement of Experts
 1-21-14 State's First Amended Notice of Deposition
 State's First Amended Notice of Deposition to Rules 404
 and 409 and Article 37.01
 JAN 27 2014 Trial
 Motion to Suppress Filed
 Motion in Suppression
 1-29-14 First Amended motion to suppress evidence
 set of Motion to Dismiss Allegations

DISPOSITION OF CASE:

1. RESIGNED ON MOTION OF THE STATE

2. _____

3. _____

4. _____

State's Attorney

On Probation Revocation

Defendant's Attorney

On Probation Revocation

Surety

Appeals Attorney

1-29-14 by Defense Experts

State's Second Amended Notice of Deposition

Buddy Milled

JUN 09 2014 STATUS CONFERENCE

6-22-14 State's Notice of Intent to Offer Amended Notice of Deposition

OCT 06 2014 RESIGNED ON MOTION OF THE STATE

State's Motion

PRESIDING JUDGE: 317th DISTRICT COURT

Thomas A. Wilder
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS

THESE ARE CRIMINAL DISTRICT COURT PAPERS AND MUST NOT BE REMOVED

Cause Number: 1352014

THE STATE OF TEXAS

Vs.

OLIVAS, THOMAS

§ The 372nd Judicial
§ District Court of
§
§ TARRANT COUNTY, TEXAS

STATE'S ANNOUNCEMENT OF READY

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her representative the Criminal District Attorney of Tarrant County, Texas in the above styled and numbered case and announces to the Court that the State is ready for trial.

Respectfully submitted,


JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS



ASSISTANT CRIMINAL DISTRICT ATTORNEY

FILED
THOMAS A. WILDER, DISTRICT CLERK
TARRANT COUNTY, TEXAS

December 12, 2013

Time 3:30 PM
By  Deputy

SCANNED



Office of
Attorney Appointments

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

DEC 16 2013

TIME 11:20am
BY WMS DEPUTY

Tim Curry Criminal Justice Center
401 West Belknap
Fort Worth, Texas 76196
Phone (817) 884-2369
Fax (817) 884-2371

Date: 13-Dec-2013 Time: 11:55
To: TIM MOORE
Office: 817-332-3822 Fax: 817-332-2763
E-Mail: tim.moore1@att.net

You have been appointed to represent the following indigent defendant:

Name: OLIVAS, THOMAS CID: 0802418
Home Address: 1603 OAK CREEK LN , # DOB: 11/28/1982
BEDFORD TX 76022
Phone: Race: W Sex: M

The defendant is charged with:

Offense	Incident#	Case#	Court	Date of Offense
MURDER - CAPITAL MULTIPLE		1352014	D372	

The defendant is currently confined at:

Agency: Sheriff
Contact:
Fax: Office:

Bondsman:

This appointment shall remain in effect until all charges are dismissed, the defendant is acquitted, appeals are exhausted, or until you are relieved of your duties by the court or replaced by other counsel after finding of good cause.

You are required by law to make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which you are appointed and to interview the defendant as soon as practicable thereafter.

SCANNED

CAUSE NO. 1352014

THE STATE OF TEXAS

IN THE 372ND JUDICIAL

VS

DISTRICT COURT

THOMAS OLIVAS

OF TARRANT COUNTY,
TEXASSTATE'S WITNESS LIST

The following is a list of people whom the attorneys for the State reasonably expects may be called as witnesses in the trial of this cause. The State will supplement this list promptly in the event that additional witnesses are discovered.

Arlington Police Department

620 W. Division, Arlington, Tx., 76004 817-459-5700

1. J. Matthews 2527 Expert
2. B. Hyder 2530 Expert
3. M. Elrich 2557 Expert
4. Sgt. Moses 2074 Expert
5. Det. B. Stewart 1462 Expert
6. P. Lawson 2707 Expert
7. N. Harper 2490 Expert
8. J. Alley 1462 Expert
9. Ofc Arnott 1845 Expert
10. K. Freeland 2112 Expert
11. Ofc Bartnicki 2700 Expert
12. Sgt. Rahman 1987 Expert
13. L. Shinpaugh 1617 Expert
14. A. Smith 1633 Expert
15. Sgt. Hummel 1545 Expert
16. E. Rosenauer 2190 Expert
17. A. Tricksey 2586 Expert
18. M. Jackson 1909 Expert
19. S. Reeves 2562 Expert
20. D. Durham 2295 Expert
21. J. Fernandes 2713 Expert
22. D. Rhodes 1553 Expert
23. J. Adkins 2570 Expert

FILED
TARRANT COUNTY
2014 JAN 13 AM 10:11
THOMAS A. WILSON
DISTRICT CLERK

SCANNED

24. C. Blank 2043 Expert
25. K. Freeland 2112 Expert
26. T. Medina 0800 Expert
27. Det. Thiessen 2262 Expert
28. Ofc Lincoln 1580 Expert
29. E. Cenon 2706 Expert
30. T. Eby 1357 Expert
31. L. (Wade) Terro Expert

Grapevine Police Department

307 W. Dallas Rd, Grapevine, TX 76051 (817) 410-8127

1. D.W. Easley 7132 Expert
2. C. Johnson 3794 Expert
3. M. Shimmick 5218 Expert
4. C. Day _____ Expert
5. Sgt M.D. Kuppler 0140 Expert

Arlington Fire Department

620 W. Division St., 2nd Floor, Arlington, Texas 76010 (817)-459-5500

1. S. Lea 153 Expert
2. S. Schmidt 10089 Expert (EMT)
3. K. Hackbart 3060 Expert
4. J. Waite 366 Expert
5. D. Henken 501 Expert
6. AJ Keeling 644 Expert
7. J. Arias 638 Expert
8. J. Morris 323 Expert
9. M. Griffin 349 Expert
10. R. Kornegay 547 Expert
11. R. Smith, Jr 586 Expert
12. J. Nguyen

United States Marshals Service

1. Dep. Campos
2. Dep. Barrone
3. Dep. Ruiz
4. Dep. Reed
5. Task Force Ofcr Pippins

6. Task Force Ofcr Ferguson

TARRANT COUNTY MEDICAL EXAMINER'S OFFICE

200 Feliks Gwozdz Place, Fort Worth, Texas 76104-4919 (817)-920-5700

1. J. Greenwell (MEI) Expert
2. Dr. Nizam Peerwani Expert
3. Marc A. Krouse, M.D. Expert
4. Constance Patton Expert
5. Roger Metcalf, DDS Expert

Texas Dept of Insurance

State Fire Marshal's Office

7915 Cameron Rd., Austin, Tx. 78754

1. Emerald Nazareno Expert
2. Jim Frank Swindall Expert

ATTORNEY GENERAL OF TEXAS

1400 Hillcrest Dr., Arlington, Tx., 76010 (817) 277-9805

1. Patsy A. Pool
2. Genine L. Ware
3. Dana D. Clarke
4. Jonathan W. Fox
5. Diane Conine
6. Clint S. Dupew

NMS Labs

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437

(215) 657-4900, fax (215) 657-2972

1. Edward J. Barbieri Ph.D. Expert
2. Laura M. Labay, Ph.D. Expert

Tarrant County District Clerk's Office

401 W. Belknap, Fort Worth, Texas 76102

1. Tom Wilder or designee

Tarrant County Sheriff's Office
200 Taylor St., Fort Worth, Texas 76102

1. Jerry Rucker
2. Staci Turner

University of North Texas Center for Human Identification
3500 Camp Bowie Blvd., Fort Worth, Texas, 76107 (817)-735-0624

1. Rachel Burch Expert
2. Amy Smuts Expert
3. Krystle Rodriguez Expert
4. Dixie Peters Expert

Tarrant County District Attorney's Office
401 W. Belknap, Fort Worth, Texas 76196-0201 (817)-884-1400

1. Mark Porter Expert
2. David Whisenhunt

Federal Bureau of Investigation
One Justice Way, Dallas, Texas 75220 (972) 559-5000

1. Mark Sedwick Expert

Bedford Fire Department
1816 Bedford Rd., Bedford, Tx. 76021 (817) 952-2500

1. J. Lankford Expert

Civilians

1. Regina Marie Scambler
2. Darwin Johnson
3. Rhonda Martin
4. Celia Murillo
5. Lana Murphy
6. Georgia Hicks
7. Lester Hicks
8. Regina Scambler
9. Stanley Edwin Cantley
10. Paul Isaac Lopez
11. David McGill
12. Rebecca Raudry
13. Kathryn Knight

- Respectfully submitted,
JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

92

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **STATE'S WITNESS LIST** was sent via facsimile transmission and via certified mail, return receipt requested, to Mr. Tim Moore, attorney for the Defendant on the 13th day of January, 2014.

A handwritten signature in blue ink, reading "Kevin Rousseau", is written over a horizontal line.

KEVIN ROUSSEAU, Assistant
Criminal District Attorney
Tarrant County, Texas

CAUSE NO. 1352014

THE STATE OF TEXAS

VS

THOMAS OLIVAS

IN THE 372ND JUDICIAL

DISTRICT COURT

OF TARRANT COUNTY,
TEXAS

FILED
TARRANT COUNTY
2014 JAN 16 PM 12:43
THOMAS A. MILLER
DISTRICT CLERK

11/6


STATE'S NOTICE PURSUANT TO RULES 404 AND 609 AND ARTICLE 37.07

The state intends to offer proof of each of the following offenses or bad acts committed by the Defendant.

1. Assault-bodily injury- family member in Tarrant County, Texas on or about July 9, 2009. Victim: Rebecca Raudry.
2. Violation of protective order in Tarrant County, Texas on or about December 12, 2011. Victim: Rebecca Raudry.
3. On or about March 16, 2011, in Tarrant County, Texas, the Defendant forced Rebecca Raudry and her children to leave their home. In the process, the Defendant destroyed a cell phone belonging to Rebecca Raudry. The State does not concede that this incident is extraneous to the offense made the basis of this prosecution.
3. On or about February 1, 2011, in Tarrant County, Texas, the Defendant asked Ryan Bridges and Shelly Slaughter whether they knew how to obtain an unregistered and untraceable firearm. The State does not concede that this incident is extraneous to the offense made the basis of this prosecution.
4. On or about February 1, 2011, in Tarrant County, Texas, the Defendant asked Ryan Bridges whether he knew how to obtain a silencer for a firearm. The State does not concede that this incident is extraneous to the offense made the basis of this prosecution.
5. On or about March 1, 2011, in Tarrant County, Texas, the Defendant solicited Gabriel Salinas to pose as the defendant for the purpose of manipulating the results of a paternity test. The State does not concede that this incident is extraneous to the offense made the basis of this prosecution.
6. On or about March 20, 2011, the Defendant spilled gasoline in a motor vehicle belonging to Amanda Rowe. The State does not concede that this incident is extraneous to the offense made the basis of this prosecution.


7. Defendant was not faithful to Rebecca Raudry during their supposedly monogamous relationship.
8. Defendant borrowed money from his friends on many occasions from January 2009 until arrested for this offense and never paid it back
9. Prior to this offense Defendant's reputation for being truthful was bad.
10. Prior to and after this offense Defendant repeatedly lied about the nature of his relationships with Mechelle Gandy and Asher Rion Olivas.

Respectfully submitted,
JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS


KEVIN ROUSSEAU, ASSISTANT
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS
STATE BAR NUMBER 17324950

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the STATE'S NOTICE PURSUANT TO RULES 404 AND 609 AND ARTICLE 37.07 was sent via facsimile transmission and via certified mail, return receipt requested, to Mr. Tim Moore, attorney for the Defendant on the 16th day of January, 2014.


KEVIN ROUSSEAU, Assistant
Criminal District Attorney

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JAN 16 2014

TIME
BY WAB DEPUTY

NO. 1352014

THE STATE OF TEXAS

§

IN THE 372ND DISTRICT

VS.

§

COURT OF

THOMAS OLIVAS

§

TARRANT COUNTY, TEXAS

§

DEFENDANT'S MOTION FOR APPOINTMENT OF AN EXPERT

(Under Seal)

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES THOMAS OLIVAS, the Defendant in the above styled and numbered cause, and moves this Court to appoint an expert to assist his counsel in this case and for cause would show the Court as follows:

I.

The Defendant is charged by indictment with the offense of Capital Murder. The Defendant is unable to pay an attorney to represent him in this case.

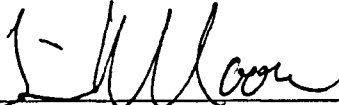
II.

The Court has appointed the undersigned counsel to represent the Defendant in this case. The Defendant also requests that the Court appoint Dr. Amy Gruszecki of American Forensics to assist defense counsel in representing the Defendant in this case. Article 26.05 C.C.P.; *Ake v. Oklahoma*, 470 U.S. 68 (1985); *Richardson v. State*, 744 SW2d (Tex.Crim.App. 1987); Article 1, Sections 10 and 19, Texas Constitution.

WHEREFORE, the Defendant prays that this Court appoint an expert and authorize payment of reasonable fees and expenses for the expert relating to his case.

MOTION FOR APPOINTMENT OF EXPERT

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tim Moore", is written over a horizontal line.

TIM MOORE / SB# 14378300

Sundance Square

115 W. 2nd, Suite 202

Fort Worth, Texas 76102

(817) 332-3822

Fax (817) 332-2763

ATTORNEY FOR DEFENDANT

NO. 1352014

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

§
§
§
§
§

IN THE 372ND DISTRICT

COURT OF

TARRANT COUNTY, TEXAS

ORDER

(Under Seal)

Came on to be heard the Motion for Appointment of Expert of Defendant, THOMAS OLIVAS, in this case. Upon consideration of the motion and argument of counsel, it is hereby GRANTED. The Court hereby appoints Dr. Amy Gruszecki of American Forensics to provide expert services to Defendant and to his counsel to assist the Defendant's counsel in representing the Defendant in this case. The Court hereby authorizes the payment of reasonable expert fees and expenses in the amount of \$1,500.00 upon submission of a statement of the fees and expenses incurred. The Court further ORDERS the Tarrant County Sheriff to allow Dr. Amy Gruszecki access to the Defendant in the Tarrant County Jail at any time. The Court further ORDERS that any reports, notes or observances by Dr. Amy Gruszecki shall be delivered to Defendant's attorney of record, Mr. Tim Moore.

IT IS SO ORDERED.

SIGNED AND ENTERED ON 1/16, 2014.


JUDGE PRESIDING

NO. 1352014

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

§
§
§
§
§

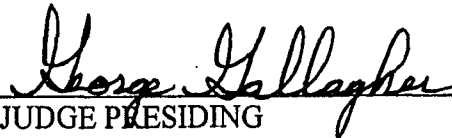
IN THE 372ND DISTRICT

COURT OF

TARRANT COUNTY, TEXAS

DEFENDANT'S SEALED, MOTION FOR APPOINTMENT OF EXPERT

Filed UNDER SEAL by order of the Court,
and not to be opened except upon further order of the Court


JUDGE PRESIDING

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JAN 16 2014

TIME 1:40
BY [Signature] DEPUTY

SCANNED

CAUSE NO. 1352014

THE STATE OF TEXAS

VS

THOMAS OLIVAS

IN THE 372ND JUDICIAL

DISTRICT COURT

OF TARRANT COUNTY,
TEXAS

FILED
TARRANT COUNTY
2019 JAN 21 PM 3:43
THOMAS OLIVAS
DISTRICT CLERK

STATE'S FIRST AMENDED WITNESS LIST

The following is a list of people whom the attorneys for the State reasonably expects may be called as witnesses in the trial of this cause. The State will supplement this list promptly in the event that additional witnesses are discovered. **Differences between this list and any previous list are indicated by bold print.**

Arlington Police Department

620 W. Division, Arlington, Tx., 76004 817-459-5700

1. J. Matthews 2527 Expert
2. B. Hyder 2530 Expert
3. M. Elrich 2557 Expert
4. Sgt. Moses 2074 Expert
5. Det. B. Stewart 1462 Expert
6. P. Lawson 2707 Expert
7. N. Harper 2490 Expert
8. J. Alley 1462 Expert
9. Ofc Arnott 1845 Expert
10. K. Freeland 2112 Expert
11. Ofc Bartnicki 2700 Expert
12. Sgt. Rahman 1987 Expert
13. L. Shinpaugh 1617 Expert
14. A. Smith 1633 Expert
15. Sgt. Hummel 1545 Expert
16. E. Rosenauer 2190 Expert
17. A. Tricksey 2586 Expert
18. M. Jackson 1909 Expert
19. S. Reeves 2562 Expert
20. D. Durham 2295 Expert
21. J. Fernandes 2713 Expert
22. D. Rhodes 1553 Expert

SCANNED

23. J. Adkins 2570 Expert
24. C. Blank 2043 Expert
25. K. Freeland 2112 Expert
26. T. Medina 0800 Expert
27. Det. Thiessen 2262 Expert
28. Ofc Lincoln 1580 Expert
29. E. Cenon 2706 Expert
30. T. Eby 1357 Expert
31. L. (Wade) Terro Expert
32. **Toni Gutierrez**
33. **M. Weaver 1540 Expert**

Grapevine Police Department

307 W. Dallas Rd, Grapevine, TX 76051 (817) 410-8127

1. D.W. Easley 7132 Expert
2. C. Johnson 3794 Expert
3. M. Shimmick 5218 Expert
4. C. Day _____ Expert
5. Sgt M.D. Kuppler 0140 Expert
6. **R. Weber Expert**

Arlington Fire Department

620 W. Division St., 2nd Floor, Arlington, Texas 76010 (817)-459-5500

1. S. Lea 153 Expert
2. S. Schmidt 10089 Expert (EMT)
3. K. Hackbart 3060 Expert
4. J. Waite 366 Expert
5. D. Henken 501 Expert
6. AJ Keeling 644 Expert
7. J. Arias 638 Expert
8. J. Morris 323 Expert
9. M. Griffin 349 Expert
10. R. Kornegay 547 Expert
11. R. Smith, Jr 586 Expert
12. J. Nguyen

United States Marshals Service

1. Dep. Campos

2. Dep. Barrone
3. Dep. Ruiz
4. Dep. Reed
5. Task Force Ofcr Pippins
6. Task Force Ofcr Ferguson

TARRANT COUNTY MEDICAL EXAMINER'S OFFICE

200 Feliks Gwozdz Place, Fort Worth, Texas 76104-4919 (817)-920-5700

1. J. Greenwell (MEI) Expert
2. Dr. Nizam Peerwani Expert
3. Marc A. Krouse, M.D. Expert
4. Constance Patton Expert
5. Roger Metcalf, DDS Expert
6. **Wm. Walker** Expert
7. **Burshauna Hill** Expert

Texas Dept of Insurance
State Fire Marshal's Office

7915 Cameron Rd., Austin, Tx. 78754

1. Emerald Nazareno Expert
2. Jim Frank Swindall Expert

ATTORNEY GENERAL OF TEXAS

1400 Hillcrest Dr., Arlington, Tx., 76010 (817) 277-9805

1. Patsy A. Pool
2. Genine L. Ware
3. Dana D. Clarke
4. Jonathan W. Fox
5. Diane Conine
6. Clint S. Dupew

NMS Labs

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Tarrant County Sheriff's Office
200 Taylor St., Fort Worth, Texas 76102

1. Jerry Rucker
2. Staci Turner

University of North Texas Center for Human Identification
3500 Camp Bowie Blvd., Fort Worth, Texas, 76107 (817)-735-0624

1. Rachel Burch Expert
2. Amy Smuts Expert
3. Krystle Rodriguez Expert
4. Dixie Peters Expert
5. Darice Yoshishige Expert
6. Barb Frankovich Expert
7. Mark Tidwell Expert

Tarrant County District Attorney's Office
401 W. Belknap, Fort Worth, Texas 76196-0201 (817)-884-1400

1. Mark Porter Expert
2. David Whisenhunt

Federal Bureau of Investigation
One Justice Way, Dallas, Texas 75220 (972) 559-5000

1. Mark Sedwick Expert

Bedford Fire Department
1816 Bedford Rd., Bedford, Tx. 76021 (817) 952-2500

1. J. Lankford Expert

John Peter Smith Hospital
1500 S. Main, Fort Worth, Texas (817)-921-3431

1. Elizabeth Hunt, LVN Expert
2. James Leddy, PAC Expert

Texas Alcoholic Beverage Commission
2225 East Randol Mill Road, Suite 200
Arlington, TX 76011 (817) 652-5912

1. **Marc Decatur**
2. **Custodian of Records**

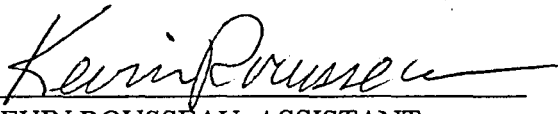
Civilians

1. Regina Marie Scambler
2. Darwin Johnson
3. Rhonda Martin
4. Celia Murillo
5. Lana Murphy
6. Georgia Hicks
7. Lester Hicks
8. Regina Scambler
9. Stanley Edwin Cantley
10. Paul Isaac Lopez
11. David McGill
12. Rebecca Raudry
13. Kathryn Knight
14. Margarita Campos
15. Kristian Perdue
16. Christopher Grant
17. Lori Maier
18. Isaac Huerta
19. Wasim Merchant
20. Shelly Slaughter
21. Richard Armistead
22. Gabriel Salinas
23. Ryan Bridges
24. Michael McClure
25. Tracey Toler
26. Melissa Milam
27. Timothy Jopson
28. Meleia House
29. Marcus Taylor
30. Taunya Pair
31. Emily Torrick
32. Kelly Belcher Expert (formerly with Tarrant County Medical Examiner's Office)

(940) 594-2201


- 33. Patricia Eddings Expert (formerly with Tarrant County Medical Examiner's Office)
- 34. James Richard Shields Tarrant CID 0403305
- 35. James Dore
- 36. Marc Whipple
- 37. Custodian of Records AT&T
- 38. Custodian of Records Verizon
- 39. Rodney Collins

Respectfully submitted,
JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS


KEVIN ROUSSEAU, ASSISTANT
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS
STATE BAR NUMBER 17324950

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **STATE'S WITNESS LIST** was sent via facsimile transmission and via certified mail, return receipt requested, to Mr. Tim Moore, attorney for the Defendant on the 21st day of January, 2014.


KEVIN ROUSSEAU, Assistant
Criminal District Attorney
Tarrant County, Texas

CAUSE NO. 1352014

THE STATE OF TEXAS

IN THE 372ND JUDICIAL

VS

DISTRICT COURT

THOMAS OLIVAS

OF TARRANT COUNTY,
TEXAS


**STATE'S FIRST AMENDED NOTICE PURSUANT TO RULES 404 AND 609 AND
ARTICLE 37.07**

The state intends to offer proof of each of the following offenses or bad acts committed by the Defendant.
Differences between this notice and any previous notice are indicated by bold print.

1. Assault-bodily injury- family member in Tarrant County, Texas on or about July 9, 2009. Victim: Rebeca Raudry.
2. Violation of protective order in Tarrant County, Texas on or about December 12, 2011. Victim: Rebeca Raudry.
3. On or about March 16, 2011, in Tarrant County, Texas, the Defendant forced Rebecca Raudry and her children to leave their home. In the process, the Defendant destroyed a cell phone belonging to Rebeca Raudry. The State does not concede that this incident is extraneous to the offense made the basis of this prosecution.
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6. On or about March 20, 2011, the Defendant spilled gasoline in a motor vehicle belonging to Amanda Rowe. The State does not concede that this incident is extraneous to the offense made the basis of this prosecution.

7. Defendant was not faithful to Rebeca Raudry during their supposedly monogamous relationship.
8. Defendant borrowed money from his friends on many occasions from January 2009 until arrested for this offense and never paid it back
9. Prior to this offense Defendant's reputation for being truthful was bad.
10. Prior to and after this offense Defendant repeatedly lied about the nature of his relationships with Mechelle Gandy and Asher Rion Olivas.
11. On several occasions during 2010 and 2011 Defendant sent lewd photographs of himself to Mechelle Gandy and Rebeca Raudry.
12. On many occasions during their relationship Defendant was verbally abusive to Rebeca Raudry.
13. On or about March 16, 2011 the Defendant lied to Amanda Rowe regarding the reason that he needed to borrow a vehicle.

Respectfully submitted,
JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS



KEVIN ROUSSEAU, ASSISTANT
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS
STATE BAR NUMBER 17324950

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the STATE'S NOTICE PURSUANT TO RULES 404 AND 609 AND ARTICLE 37.07 was sent via facsimile transmission and via certified mail, return receipt requested, to Mr. Tim Moore, attorney for the Defendant on the 21st day of January, 2014.

A handwritten signature in black ink, appearing to read "Kevin Rousseau", is written over a horizontal line.

KEVIN ROUSSEAU, Assistant
Criminal District Attorney
Tarrant County, Texas

CAUSE NO. 1352014

THE STATE OF TEXAS

IN THE 372ND JUDICIAL

VS

DISTRICT COURT

THOMAS OLIVAS

OF TARRANT COUNTY
TEXAS

MOTION TO SUPPRESS

FILED
TARRANT COUNTY
2014 JAN 27 AM 10:41
THOMAS A. WILDER
DISTRICT CLERK

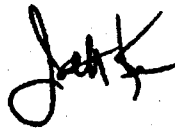
COMES NOW Defendant, in the above entitled and numbered cause, by and through his attorney of record, Tim Moore and Joetta Keene, and move this Court to suppress the search of defendant's person, any and all pictures taken of defendant's person and any and all statements made by the defendant regarding him invoking his right not to be searched and his right to counsel. Further, defendant would move this Court to suppress all testimony of law enforcement officers, their agents, and all other persons working in connection with such officers and agent as to any pictures taken of the defendant's person or of him invoking his rights under the Fourth and Fifth Amendments to the US Constitution.

In support of the motion, the defendant would show the Court that the search of defendant's person was not based on probable cause, the pictures taken were the result of a warrantless search of the defendant's person or property without probable cause and in violation of defendant's constitutional rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, Article I, Section 9 of the Texas Constitution and Article 38.23 of the Texas Code of Criminal Procedure. Further, said search was not the result of actual consent by the defendant.

In support of the motion, the defendant would additionally show the Court that any alleged "consent" for the search was the result of coercion and not freely and voluntarily given. Furthermore, defendant invoked his right to counsel while in custody.

Defendant prays that the Court hold a pretrial hearing on this motion, and after hearing the evidence order the suppression of any and all pictures taken of defendant and any and all statements made by the defendant regarding him invoking his Constitutional rights.

Respectfully submitted,



Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
(817)275-6611
(817)275-6621(fax)
SBOT #11165800
Attorney for Defendant

Certificate of Service

On January 27, 2014 the foregoing Motion to Suppress was served on the Tarrant County District Attorney office via email to Tarrant County Discovery Request (CDA-DefenseMotions@tarrantcountytexas.gov).



Joetta Keene

CAUSE NO. 1352014

THE STATE OF TEXAS

VS

THOMAS OLIVAS

IN THE 372ND JUDICIAL

DISTRICT COURT

OF TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY
2014 JAN 27 AM 10:47
THOMAS A. WILDER
DISTRICT CLERK

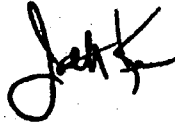
MOTION IN LIMINE
Additional matters

Now comes, defendant in the above styled and numbered cause, and moves this Court before trial in limine for an order instructing the District Attorney, and the District representatives and witnesses, to refrain from making any direct or indirect reference whatsoever, at trial before the jury to any of the following matters:

1. Defendant moves to exclude into evidence before the jury any request to purchase a firearm or silencer alleged to have been made by the defendant until they are ruled by the Court to be admissible.
2. Defendant moves to exclude into evidence before the jury any mention that defendant invoked his right to counsel or his right to not be searched.
3. If the prosecutor is allowed to allude to, comment upon, inquire about, or introduce evidence concerning, any of the above matters, ordinary objections during the course of trial, even sustained and including proper instructions to the jury, will not remove the harmful effect of the evidence in view of its highly prejudicial content.

WHEREFORE, PREMISES CONSIDERED, defendant, prays that this Court order and instruct the District Attorney and the District representatives and witnesses, not to elicit or give testimony respecting, allude to, cross-examine respecting, mention, or refer to any of the above matters until a hearing has been held outside the presence of the jury at which time this Court can determine the admissibility of these matters.

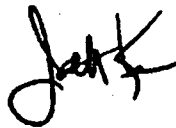
Respectfully submitted,



Joetta Keene
204 S. Mesquite St.
Arlington, Texas 76010
(817)275-6611
(817)275-6621(fax)
SBOT #11165800
Attorney for Defendant

Certificate of Service

On 27th day of January, 2014 the above Motion in Limine was served on the prosecutor handling the case at the Tarrant County District Attorney's Office by emailing said motion to CDC-DefenseMotions@tarrantcountytx.gov.



Joetta Keene
Attorney for defendant

ORDER

On _____, came on to be considered Defendant's Motion in Limine, and said motion is hereby

(GRANTED) (DENIED).

JUDGE PRESIDING

CAUSE NO. 1352014

THE STATE OF TEXAS

§

IN THE 372ND

VS.

§

DISTRICT COURT OF

THOMAS OLIVAS

§

TARRANT COUNTY, TEXAS

§

FILED
TARRANT COUNTY
2014 JAN 29 AM 9:01
THOMAS A. WILDER
DISTRICT CLERK

FIRST AMENDED MOTION TO SUPPRESS EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Defendant, THOMAS OLIVAS, by and through his attorneys of record, TIM MOORE & JOETTA KEENE, and respectfully moves this Honorable Court to suppress the AT&T records related to the Defendant's cellular phone, phone number 817-343-6690, that were obtained by law enforcement personnel during the investigation of this cause. In support thereof, the Defendant would show the Court the following:

I.

On April 1, 2011, Assistant District Attorney for Tarrant County, Texas Tracey Kapsidelis presented an, "Application of the State of Texas for an Order Pursuant to 18 U.S.C. §2703(d) and Tex. Code Crim. Proc Art. 18.21", (see attached exhibit A), to District Judge Mollee Westfall, requiring AT&T to provide agents of the Tarrant County District Attorney's Office and the Arlington Police Department transactional wireless access records, customer records and other information including historical cell tower data, but not content of any communication, related to 817-343-6690, the Defendant's cell phone number. Judge Westfall signed the Order (see attached exhibit B) ordering AT&T to provide these records to law enforcement agents.

CHALLENGE

II.

On April 4, 2011, Assistant District Attorney Tracey Kapsidelis presented a similar Application (see attached exhibit C) to District Judge George Gallagher requesting an Order that AT&T provide agents of the Tarrant County District Attorney's Office and agents of the Arlington

113

SCANNED

Police Department with additional records regarding the usage of the cellular telephone assigned to cell number 817-343-6690, including a list of the cell site locations in both latitude and longitude and their physical addresses maps indicating the location of the cell sites used by this cellular phone and a call listing or billing records for the relevant time period. Judge Gallagher signed the Order, (see attached exhibit D), ordering AT&T to provide these records to law enforcements agents.

III.

The Defendant had a reasonable expectation of privacy in the location of his cell phone. The government therefore must obtain a search warrant based on a showing of probable cause, or qualify for an exception to the warrant requirement, to obtain tracking information through the use of a cell phone. The government obtained these records not with a search warrant, but through an application pursuant to 18 U.S.C. §2703(d) & Texas Code of Criminal Procedure Art. 18.21, in violation of Fourth and Fourteenth Amendments to the United States Constitution, Article I Section 9 of the Texas Constitution, and Article 38.23 of the Texas Code of Criminal Procedure.

IV.

18 U.S.C. §2703(d) provides:

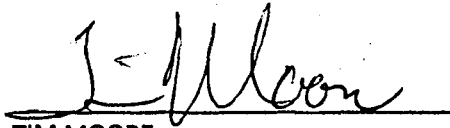
A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.

The government's Applications (Exhibits A and C) do not offer specific and articulable facts showing that there are reasonable grounds to believe that the contents of the records sought are relevant and material to an ongoing criminal investigation. These applications are merely used as a fishing expedition by the government.

WHEREFORE, the Defendant respectfully moves that this Honorable Court:

1. Set this Motion to Suppress for a pretrial hearing pursuant to Article 28.01 C.C.P.
2. Suppress all AT&T records regarding cell phone number 817-343-6690 that the government obtained by Application as described herein.

Respectfully submitted,




TIM MOORE
Sundance Square
115 W. 2nd Street, Suite 202
Fort Worth, Texas 76102
817-332-3822 Telephone
817-332-2763 Fax
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion was mailed/hand delivered to the Tarrant County District Attorney's Office, 401 W. Belknap, Fort Worth, Texas on this

29 day of January, 2014.



TIM MOORE

NO. SW-22045FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

IN RE APPLICATION OF THE)
 STATE OF TEXAS FOR)
 AN ORDER REGARDING)
 817-343-6690)
 PURSUANT TO)
 18 U.S.C. § 2703(d)&)
 TEX. CODE CRIM. PROC ART. 18.21)

APR 04 2011

TIME 4:24
 BY W DEPUTY

TARRANT COUNTY, TEXAS

APPLICATION OF THE STATE OF TEXAS
FOR AN ORDER PURSUANT TO 18 U.S.C. § 2703 (d) and TEX. CODE CRIM. PROC
ART. 18.21
****UNDER SEAL****

COMES NOW, the State of Texas, by and through her Assistant District Attorney for Tarrant County, Texas, and hereby files this ex parte application for an order pursuant to 18 U.S.C. § 2703(d) and TEX. CODE CRIM. PROC ART. 18.21 to require **AT&T, Inc.**, to provide agents of the Tarrant County District Attorney's Office and agents of the Arlington Police Department cell site information for the dates of **1 March 2011** through **22 March 2011** regarding the usage of the cellular telephone assigned to cell number **817-343-6690**, as well as the subscriber information for the aforesaid cellular telephone, a list of the cell site locations in both latitude and longitude and their physical addresses maps indicating the location of the cell sites used by this cellular phone, and a call listing or billing records for the relevant time period. For good cause, the State would show the following:

I. Factual Background

The following information was provided by **B.P. STEWART, # 1362, DETECTIVE** for the ARLINGTON POLICE DEPARTMENT:

On Sunday, 20 March 2011, after 2200 hrs, Arlington Fire Department was dispatched to an apartment fire at 2216 Presidents Corner Drive, unit 601, in Arlington, Tarrant County, Texas. During efforts to suppress and extinguish the fire, firefighters discovered Mechelle Gandy, white female, lying in the kitchen area of the burning apartment. After she was pulled from the apartment and rescue efforts commenced, it was determined that she was deceased and appeared to have several stab wounds on her

body. Information gathered at the apartments and from Ms. Gandy's mother led investigators to attempt to determine the whereabouts of Ms. Gandy's 1-year-old son, Asher, who also resided at the apartment. His remains were later found in a bedroom of the apartment.

In speaking with family members of Ms. Gandy, the Arlington Police Department learned that Ms. Gandy had initiated a Suit to Establish the Parent-Child Relationship against Thomas Olivas, whom Ms. Gandy claimed was Asher's biological father. On the morning of March 21, 2011, Grapevine Police Department was unable to locate Mr. Olivas at his residence at the request of Arlington Police Department in its attempts to ascertain the whereabouts of the 1-year-old.

Upon contacting Mr. Olivas, Det. Stewart was told that Mr. Olivas had been in contact with Ms. Gandy on the evening of March 20, 2011. Mr. Olivas stated that he had driven to Arlington, but was unable to locate her apartment and decided to not meet with Ms. Gandy that evening.

Further Investigation has revealed that Mr. Olivas' cell phone number is **817-343-6690**, through **AT&T, Inc.**

II. Reasonable Grounds for Issuance

Investigation to date provides reasonable grounds to believe that **AT&T, Inc.** has records and other information pertaining to the said subscribers that is relevant and material to this ongoing criminal investigation. **AT&T, Inc.** has records that reflect the usage of cellular telephone customers and those records include cell site information. This cell site information shows which cell site the cellular telephone was in at the time of the cellular telephone's usage. Further, **AT&T, Inc.** has cell site maps that show the geographical location of all cell sites within its service area.

The records would help investigators establish a timeline up to and including the time of the aforementioned offense.

III. Legal Basis for Application ECPA 2703

AT&T, Inc. provides cellular telephone services and keeps records of those services. The production of records regarding said services is covered by the Electronic

Communications Privacy Act ('ECPA'). ECPA delineates the particular requirement that any "governmental entity" must meet in order to obtain access to the records and other information it is seeking.

In this application, the State seeks to obtain basic subscriber information, cell site data, and cell site maps pertaining to a specific customer of AT&T, Inc. that are stored. To obtain basic subscriber information, a governmental entity needs only a subpoena authorized by "a Federal or State statute or a Federal or State grand jury or trial subpoena" or "a court order for such disclosure under subsection (d) of this section." 18 U.S.C. § 2703(c)(1)(C). However, the State is seeking an order to obtain cell site data and map in addition to this data. According to ECPA, this court order is described in section 2703(d) as:

Section 2703(d) provides (in pertinent part):

(d) Requirements for court order.—A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction¹ and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the . . . records or other information sought, are relevant and material to an ongoing criminal investigation. In the case of a State governmental authority, such a court order shall not issue if prohibited by the law of such State.

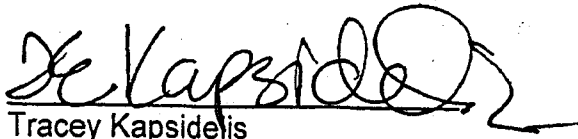
Texas law also tracks this language allowing such an order under the Texas Code of Criminal Procedure Art. 18.21, sec. 4-5. Accordingly, this application sets forth the facts showing that there are reasonable grounds to believe that the materials sought are relevant

¹ A "court of competent jurisdiction" has the meaning assigned by 18 U.S.C. § 3127. See 18 U.S.C. § 2711(3). Pursuant to Section 3127(2)(B), a court of competent jurisdiction includes "a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or trap and trace device." In Texas, district courts are authorized to authorize the use of pen registers and trap and trace devices. Tex. Code Crim. Proc. art. 1821 § 2(a).

and material to the ongoing criminal investigation.

In addition, there are certain provisions of ECPA requiring the government to notify a suspect that the information has been obtained. We respectfully request that the court delay any such notice for 90 days as allowed under these same provisions.

WHEREFORE, PREMISES CONSIDERED, the State of Texas respectfully requests that the Court issue the attached Order directing **AT&T, Inc.** to provide the State of Texas with the records and information described herein.

A handwritten signature in black ink, appearing to read 'Tracey Kapsidelis', with a stylized flourish at the end.

Tracey Kapsidelis
Tarrant County Criminal District Attorney's Office
401 W. Belknap
Fort Worth, Texas
SBOT: 24012936

NO. SW-22033

IN RE APPLICATION OF THE)
STATE OF TEXAS FOR)
AN ORDER REGARDING)
TOWER DATA LOCATED)
WITHIN EIGHT MILES OF)
32.770232, 97.105327 REGISTERING)
WIRELESS PHONE ACCESS FROM)
817-343-6690)
PURSUANT TO)
18 U.S.C. § 2703(d) &)
TEX. CODE CRIM. PROC ART. 18.21)

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

APR 01 2011

TIME 12:32
BY [Signature] DEPUTY

TARRANT COUNTY, TEXAS

ORDER
(UNDER SEAL)

This matter having come before the court pursuant to an application under Title 18, United States Code, Section 2703 (c) and TEX. CODE CRIM. PROC ART. 18.21, which application requests the issuance of an order directing AT&T, to disclose the following records regarding wireless access records stored on AT&T towers, specifically, for the TIME PERIOD of MARCH 20, 2011 FROM 1900 HOURS CENTRAL DAYLIGHT SAVINGS TIME ('CDST') TO 2359 HOURS CDST, wireless access records stored on towers located within eight miles of GPS coordinates 32.770232, 97.105327, historical cell tower data, but not the content of any communications, related to accesses made to the said towers by the cellular device associated with wireless number 817-343-6690 including:

1. Wireless access records stored by each tower contained within the above-described geographical area showing cell sites accessed by this cellular phone to maintain connection to the AT&T network;
2. Tower site locations of these accesses in both latitude and longitude and their physical addresses; and
3. Maps indicating the location of the towers.

The court finds that the applicant has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other information sought are relevant and material to an ongoing criminal investigation and are in the custody of AT&T.

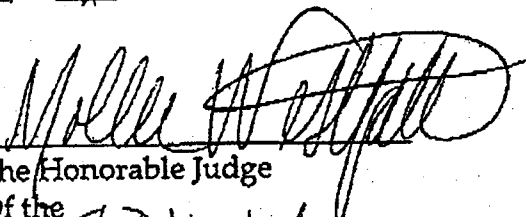
IT APPEARING that the information sought is relevant and material to an ongoing criminal investigation;

IT IS ORDERED, pursuant to Title 18, United States Code, Section 2703(d) and the Texas Code of Criminal Procedure Article 18.21, that AT&T will turn over to agents of the Office of the Tarrant County Criminal District Attorney and the ARLINGTON POLICE DEPARTMENT these records. It is also ordered that any applicable notices be delayed for a period of 90 days.

IT IS ORDERED that all records and information required to be provided pursuant by this order be provided in a commercially reasonable electronic format specified by the Investigative Agency; and that those records be delivered forthwith via electronic mail to the email address specified by the agent serving this order.

IT IS ORDERED that all telecommunications providers upon whom a copy of the order is served, not to disclose in any manner, directly or indirectly, by any action or inaction, to any person the existence of this order or the existence of this investigation, unless otherwise ordered by this court; and further that this application and order be SEALED.

Signed and entered this 1 day of April, 2011.


The Honorable Judge
Of the
37th District COURT
TARRANT COUNTY, TEXAS

NO. SW-22033

IN RE APPLICATION OF THE)
 STATE OF TEXAS FOR)
 AN ORDER REGARDING)
 TOWER DATA LOCATED)
 WITHIN EIGHT MILES OF)
 32.770232, 97.105327 REGISTERING)
 WIRELESS PHONE ACCESS FROM)
 817-343-6690)
 PURSUANT TO)
 18 U.S.C. § 2703(d) &)
 TEX. CODE CRIM. PROC ART. 18.21)

FILED
 THOMAS A WILDER, DIST. CLERK
 TARRANT COUNTY, TEXAS

APR 01 2011

TIME 12:32
 BY [Signature] DEPUTY

TARRANT COUNTY, TEXAS

APPLICATION OF THE STATE OF TEXAS
FOR AN ORDER PURSUANT TO 18 U.S.C. § 2703 (d) and TEX. CODE CRIM. PROC
ART. 18.21
(UNDER SEAL)

COMES NOW, the State of Texas, by and through her Assistant District Attorney for Tarrant County, Texas, and hereby files this ex parte application for an order pursuant to 18 U.S.C. § 2703(d) and TEX. CODE CRIM. PROC ART. 18.21 to require AT&T to provide agents of the Tarrant County District Attorney's Office and agents of the ARLINGTON POLICE DEPARTMENT transactional wireless access records, customer records, and other information. This information is described as follows: for the TIME PERIOD of MARCH 20, 2011 FROM 1900 HOURS CENTRAL DAYLIGHT SAVINGS TIME ('CDST') TO 2359 HOURS CDST, including wireless transactional access records stored on towers located within eight miles of GPS coordinates 32.770232 and 97.105327, specifically historical cell tower data, but not the content of any communications related to 817-343-6690.

Requested data includes:

1. Wireless access records stored by each tower contained within the above-described geographical area showing cell sites accessed by this cellular phone to maintain connection to the AT&T network;
2. Tower site locations of these accesses in both latitude and longitude and

their physical addresses; and

3. Maps indicating the location of the towers..

For good cause, the State would show the following.

I. Factual Background

The following information was provided by B.P. STEWART, #1362, DETECTIVE for the ARLINGTON POLICE DEPARTMENT:

On Sunday, 20 March 2011, after 2200 hrs, Arlington Fire Department was dispatched to an apartment fire at 2216 Presidents Corner Drive, unit 601, in Arlington, Tarrant County, Texas. During efforts to suppress and extinguish the fire, firefighters discovered Mechelle Gandy, white female, lying in the kitchen area of the burning apartment. After she was pulled from the apartment and rescue efforts commenced, it was determined that she was deceased and appeared to have several stab wounds on her body. Information gathered at the apartments and from Ms. Gandy's mother led investigators to attempt to determine the whereabouts of Ms. Gandy's 1-year-old son, Asher, who also resided at the apartment. His remains were later found in a bedroom of the apartment.

In speaking with family members of Ms. Gandy, the Arlington Police Department learned that Ms. Gandy had initiated a Suit to Establish the Parent-Child Relationship against Thomas Olivas, whom Ms. Gandy claimed was Asher's biological father. On the morning of March 21, 2011, Grapevine Police Department was unable to locate Mr. Olivas at his residence at the request of Arlington Police Department in its attempts to ascertain the whereabouts of the 1-year-old.

Upon contacting Mr. Olivas, Det. Stewart was told that Mr. Olivas had been in contact with Ms. Gandy on the evening of March 20, 2011. Mr. Olivas stated that he had driven to Arlington, but was unable to locate her apartment and decided to not meet with Ms. Gandy that evening.

AT&T customers access AT&T's networks via cell towers located throughout the

AT&T coverage area. These accesses occur even when no calls or messages are being sent by the customer. The accesses themselves are virtually invisible to the customer, but follow his/her cell phone when moving from one geographical area to the next. These accesses are not stored with the customer's data, the records of these accesses are stored in the tower's data only. The record is created when the cell phone periodically attempts to make contact with the closest cell tower *in case* a call is made or received.

II. Reasonable Grounds for Issuance

Investigation to date provides reasonable grounds to believe that AT&T has tower data containing accesses made by the cellular device associated with cell number 817-343-6690 that is relevant and material to this ongoing criminal investigation. This tower data shows which cell tower the cellular telephone was located in at any time whether it was used or not. Further, AT&T has cell site maps and tower locations that show the geographical location of all cell towers within its service area.

Officers in this case are seeking information to assist them in finding out whether the suspect Thomas Olivas, was present at or near the victim's home during the time when the fire was set.

III. Legal Basis for Application ECPA 2703 and Art. 18.18 Texas Code of Criminal Procedure

AT&T provides cellular telephone services and keeps records of those services. The production of records regarding said services is covered by the Electronic Communications Privacy Act ('ECPA'). ECPA delineates the particular requirement that any "governmental entity" must meet in order to obtain access to the records and other information it is seeking.

In this application, the State seeks to obtain location data stored on cell towers and maps in addition to this data. According to ECPA, this court order is described in

section 2703(d) as:

Section 2703(d) provides (in pertinent part):

(d) **Requirements for court order.**—A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction¹ and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the . . . records or other information sought, are relevant and material to an ongoing criminal investigation. In the case of a State governmental authority, such a court order shall not issue if prohibited by the law of such State.

Texas law also tracks this language allowing such an order under the Texas Code of Criminal Procedure Art. 18.21, sec. 4-5. Accordingly, this application sets forth the facts showing that there are reasonable grounds to believe that the materials sought are relevant and material to the ongoing criminal investigation.

In addition, there are certain provisions of ECPA requiring the government to notify a suspect that the information has been obtained. We respectfully request that the court delay any such notice for 90 days as allowed under these same provisions.

Applicant further requests that, upon request of the Investigative Agency, all records and information required to be provided pursuant by this order be provided in a commercially reasonable electronic format specified by the Investigative Agency; and that those records be delivered forthwith via electronic mail to the email address specified by the agent serving this order.

Applicant further requests that the court direct all telecommunications providers

¹ A “court of competent jurisdiction” has the meaning assigned by 18 U.S.C. § 3127. See 18 U.S.C. § 2711(3). Pursuant to Section 3127(2)(B), a court of competent jurisdiction includes “a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or trap and trace device.” In Texas, district courts are authorized to authorize the use of pen registers and trap and trace devices. Tex. Code Crim. Proc. art. 1821 § 2(a).

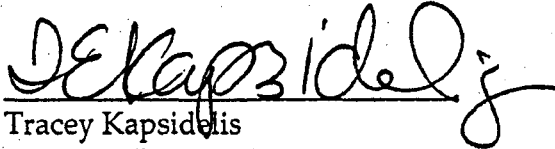
this application and order be SEALED.

WHEREFORE, PREMISES CONSIDERED, the State of Texas respectfully requests that the Court issue the attached Order directing AT&T to provide the State of Texas with the records and information described herein.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on

1 April 2011.

Respectfully Submitted,
JOE SHANNON, JR
TARRANT COUNTY DISTRICT ATTORNEY



Tracey Kapsidelis
Assistant District Attorney
401 W. Belknap
Fort Worth, Texas
817-884-1400
State Bar No. 24012936

NO. 22045
SW 22044

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

APR 04 2011

IN RE APPLICATION OF THE)
STATE OF TEXAS FOR)
AN ORDER REGARDING)
817-343-6690)
PURSUANT TO)
18 U.S.C. § 2703(d) &)
TEX. CODE CRIM. PROC ART. 18.21)

TIME _____
BY _____ DEPUTY

TARRANT COUNTY, TEXAS

ORDER
****UNDER SEAL****

This matter having come before the court pursuant to an application under Title 18, United States Code, Section 2703 (c), which application requests the issuance of an order under Title 18, United States Code, Section 2703(d) directing AT&T, Inc., to disclose the following records regarding cell number 817-343-6690 for the period of 1 March 2011 through 22 March 2011:

1. Subscriber information for said telephone number;
2. Cell Site data for usage of this cell phone during said period;
3. A list of the cell site locations in both latitude and longitude and their physical addresses;
4. Cell Site Maps explaining the location of the cell towers accessed by this cell phone; and
5. Call listing or billing records for the relevant time period.

The court finds that the applicant has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other

information sought are relevant and material to an ongoing criminal investigation and are in the custody of AT&T, Inc..

IT APPEARING that the information sought is relevant and material to an ongoing criminal investigation;

IT IS ORDERED, pursuant to Title 18, United States Code, Section 2703(d) and the Texas Code of Criminal Procedure Article 18.21, that AT&T, Inc. will turn over to agents of the Office of the Tarrant County Criminal District Attorney and the Arlington Police Department these records. It is also ordered that any applicable notices be delayed for a period of 90 days.

Signed and entered this 4 day of April, 2011.

George Gallagher
The Honorable Judge
Of the
396th District COURT
TARRANT COUNTY, TEXAS

Cause No. 1352014

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

§
§
§
§
§

IN THE 372ND DISTRICT

COURT OF

TARRANT COUNTY, TEXAS

ORDER

The foregoing Motion being presented to the Court on this the _____ day
of _____, 2014, and the Court having considered said Motion, it is hereby

ORDERED that:

All relief requested is hereby GRANTED / DENIED.

JUDGE PRESIDING

CAUSE NO. 1352014

THE STATE OF TEXAS

IN THE 372ND JUDICIAL

VS

DISTRICT COURT


THOMAS OLIVAS

OF TARRANT COUNTY,
TEXAS

STATE'S MOTION TO DISCOVER IDENTITIES OF DEFENSE EXPERTS

The State respectfully moves the Court, pursuant to article 39.14, to order the attorney for the Defendant to disclose to the State the name and address of any person who may be used at trial to present evidence under Rules 702,703 and 705.

Respectfully submitted,
JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS



KEVIN ROUSSEAU, ASSISTANT
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS
STATE BAR NUMBER 17324950

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JAN 29 2014

TIME 1:46
BY [Signature] DEPUTY


131

SCANNED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **STATE'S MOTION TO DISCOVER IDENTITIES OF DEFENSE EXPERTS** was hand-delivered to Mr. Tim Moore, attorney for the Defendant on the 28th day of January, 2014.

CR 27
29M



KEVIN ROUSSEAU, Assistant
Criminal District Attorney
Tarrant County, Texas

CAUSE NO. 1352014

THE STATE OF TEXAS

IN THE 372ND JUDICIAL

VS

DISTRICT COURT

THOMAS OLIVAS

**OF TARRANT COUNTY,
TEXAS**

ORDER

The Court, having considered the State's Motion to Discover Identities of Defense Experts and the arguments of counsel, is of the opinion that it should be granted. It is therefore ORDERED that counsel for the defense shall provide to counsel for the State the names and addresses of any witness who may be called to present evidence as an expert under Rules 702, 703 and 705. Counsel for the defense shall provide such information either in writing or on the record in open court no later than _____, 2014

Signed on this the _____ day of _____, 2014.

Judge Presiding

CAUSE NO. 1352014

THE STATE OF TEXAS

IN THE 372ND JUDICIAL

VS

DISTRICT COURT

THOMAS OLIVAS


OF TARRANT COUNTY,
TEXAS

BRADY NOTICE

The State hereby provides notice of the following matters that may be deemed exculpatory or mitigating in nature:

1. Early in the investigation, Timothy Jopson was considered to be a person of interest. He was suspected of having stalked Mechelle Gandy prior to the murders.
2. On December 12, 2013, Taunya Pair stated to the below-signed attorney for the State that Rodney Collins denied that he told the Arlington Police Department that the Defendant encouraged him, Mr. Collins, to provide a false alibi.
3. The carpet sample from the Ford Explorer belonging to Amanda Rowe tested negative for the presence of an accelerant. This result appears in the State Fire Marshal's report dated March 30, 2011 which has been previously provided to counsel for the Defendant.


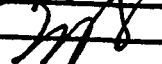
Respectfully submitted,
JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS


KEVIN ROUSSEAU, ASSISTANT
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS
STATE BAR NUMBER 17324950

SCANNED

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JAN 29 2014

TIME 
BY  DEPUTY

134

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the BRADY NOTICE was sent via facsimile transmission and via certified mail, return receipt requested, to Mr. Tim Moore, attorney for the Defendant on the 27th day of January, 2014.

KR
29th

Kevin Rousseau

KEVIN ROUSSEAU, Assistant
Criminal District Attorney
Tarrant County, Texas

*hand delivered
and*

CAUSE NO. 1352014

THE STATE OF TEXAS

IN THE 372ND JUDICIAL

VS

DISTRICT COURT

THOMAS OLIVAS

OF TARRANT COUNTY,
TEXASSTATE'S SECOND AMENDED WITNESS LIST

The following is a list of people whom the attorneys for the State reasonably expects may be called as witnesses in the trial of this cause. The State will supplement this list promptly in the event that additional witnesses are discovered. **Differences between this list and any previous list are indicated by bold print.**

Arlington Police Department

620 W. Division, Arlington, Tx., 76004 817-459-5700

1. J. Matthews 2527 Expert
2. B. Hyder 2530 Expert
3. M. Elrich 2557 Expert
4. Sgt. Moses 2074 Expert
5. Det. B. Stewart 1462 Expert
6. P. Lawson 2707 Expert
7. N. Harper 2490 Expert
8. J. Alley 1462 Expert
9. Ofc Arnott 1845 Expert
10. K. Freeland 2112 Expert
11. Ofc Bartnicki 2700 Expert
12. Sgt. Rahman 1987 Expert
13. L. Shinpaugh 1617 Expert
14. A. Smith 1633 Expert
15. Sgt. Hummel 1545 Expert
16. E. Rosenauer 2190 Expert
17. A. Tricksey 2586 Expert
18. M. Jackson 1909 Expert
19. S. Reeves 2562 Expert
20. D. Durham 2295 Expert
21. J. Fernandes 2713 Expert
22. D. Rhodes 1553 Expert

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JAN 29 2014

TIME 1:40
BY [Signature] DEPUTY

SCANNED

136

23.	J. Adkins	2570	Expert
24.	C. Blank	2043	Expert
25.	K. Freeland	2112	Expert
26.	T. Medina	0800	Expert
27.	Det. Thiessen	2262	Expert
28.	Ofc Lincoln	1580	Expert
29.	E. Cenon	2706	Expert
30.	T. Eby	1357	Expert
31.	L. (Wade) Terro		Expert
32.	Toni Gutierrez		
33.	M. Weaver	1540	Expert

Grapevine Police Department

307 W. Dallas Rd, Grapevine, TX 76051 (817) 410-8127

1.	D.W. Easley	7132	Expert
2.	C. Johnson	3794	Expert
3.	M. Shimmick	5218	Expert
4.	C. Day	_____	Expert
5.	Sgt M.D. Kuppler	0140	Expert
6.	R. Weber		Expert

Arlington Fire Department

620 W. Division St., 2nd Floor, Arlington, Texas 76010 (817)-459-5500

1.	S. Lea	153	Expert
2.	S. Schmidt	10089	Expert (EMT)
3.	K. Hackbart	3060	Expert
4.	J. Waite	366	Expert
5.	D. Henken	501	Expert
6.	AJ Keeling	644	Expert
7.	J. Arias	638	Expert
8.	J. Morris	323	Expert
9.	M. Griffin	349	Expert
10.	R. Kornegay	547	Expert
11.	R. Smith, Jr	586	Expert
12.	J. Nguyen		

United States Marshals Service

1.	Dep. Campos		
----	-------------	--	--

2. Dep. Barrone
3. Dep. Ruiz
4. Dep. Reed
5. Task Force Ofcr Pippins
6. Task Force Ofcr Ferguson

TARRANT COUNTY MEDICAL EXAMINER'S OFFICE

200 Feliks Gwozdz Place, Fort Worth, Texas 76104-4919 (817)-920-5700

1. J. Greenwell (MEI) Expert
2. Dr. Nizam Peerwani Expert
3. Marc A. Krouse, M.D. Expert
4. Constance Patton Expert
5. Roger Metcalf, DDS Expert
6. Wm. Walker Expert
7. Burshauna Hill Expert

Texas Dept of Insurance

State Fire Marshal's Office

7915 Cameron Rd., Austin, Tx. 78754

1. Emerald Nazareno Expert
2. Jim Frank Swindall Expert

ATTORNEY GENERAL OF TEXAS

1400 Hillcrest Dr., Arlington, Tx., 76010 (817) 277-9805

1. Patsy A. Pool
2. Genine L. Ware
3. Dana D. Clarke
4. Jonathan W. Fox
5. Diane Conine
6. Clint S. Dupew

NMS Labs

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437

(215) 657-4900, fax (215) 657-2972

1. Edward J. Barbieri Ph.D. Expert
2. Laura M. Labay, Ph.D. Expert

Tarrant County District Clerk's Office
401 W. Belknap, Fort Worth, Texas 76102

1. Tom Wilder or designee

Tarrant County Sheriff's Office
200 Taylor St., Fort Worth, Texas 76102

1. Jerry Rucker
2. Staci Turner

University of North Texas Center for Human Identification
3500 Camp Bowie Blvd., Fort Worth, Texas, 76107 (817)-735-0624

1. Rachel Burch Expert
2. Amy Smuts Expert
3. Krystle Rodriguez Expert
4. Dixie Peters Expert
5. Darice Yoshishige Expert
6. Barb Frankovich Expert
7. Mark Tidwell Expert

Tarrant County District Attorney's Office
401 W. Belknap, Fort Worth, Texas 76196-0201 (817)-884-1400

1. Mark Porter Expert
2. David Whisenhunt

Federal Bureau of Investigation
One Justice Way, Dallas, Texas 75220 (972) 559-5000

1. Mark Sedwick Expert

Bedford Fire Department
1816 Bedford Rd., Bedford, Tx. 76021 (817) 952-2500

1. J. Lankford Expert

John Peter Smith Hospital
1500 S. Main, Fort Worth, Texas (817)-921-3431

1. Elizabeth Hunt, LVN Expert
2. James Leddy, PAC Expert

Texas Alcoholic Beverage Commission
2225 East Randol Mill Road, Suite 200
Arlington, TX 76011 (817) 652-5912

1. Marc Decatur
2. Custodian of Records

Tarrant County Constable Precinct Three

1. Dep. Adam Hanson

Civilians

1. Regina Marie Scambler
2. Darwin Johnson
3. Rhonda Martin
4. Celia Murillo
5. Lana Murphy
6. Georgia Hicks
7. Lester Hicks
8. Regina Scambler
9. Stanley Edwin Cantley
10. Paul Isaac Lopez
11. David McGill
12. Rebecca Raudry
13. Kathryn Knight
14. Margarita Campos
15. Kristian Perdue
16. Christopher Grant
17. Lori Maier
18. Isaac Huerta
19. Wasim Merchant
20. Shelly Slaughter
21. Richard Armistead
22. Gabriel Salinas
23. Ryan Bridges
24. Michael McClure
25. Tracey Toler
26. Melissa Milam
27. Timothy Jopson
28. Meleia House
29. Marcus Taylor

- Respectfully submitted,
JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

141

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the STATE'S WITNESS LIST was sent via facsimile transmission and via certified mail, return receipt requested, to Mr. Tim Moore, attorney for the Defendant on the 27th day of January, 2014.

29M
KR



KEVIN ROUSSEAU, Assistant
Criminal District Attorney
Tarrant County, Texas

hand delivered
and

Cause No(s). 1352014R

THE STATE OF TEXAS	§	IN THE 432 ND
v.	§	DISTRICT COURT OF
THOMAS OLIVAS	§	TARRANT COUNTY, TEXAS

STATE'S NOTICE OF INTENT TO OFFER BUSINESS RECORDS

Comes now the State of Texas, by and through its Assistant Criminal District Attorney, and hereby gives notice of its intent to offer business records pursuant to Rule 902, Texas Rules of Evidence. The records are also tendered for filing with the Clerk of this Court for inclusion with the papers in this cause.

The person making affidavit relating to such records is:

LYNETTE GRILO -- CUSTODIAN OF RECORDS

The employer of such person making affidavit is:

AT&T

Respectfully submitted,
JOE SHANNON, JR.
Criminal District Attorney
Tarrant County, Texas



Tamla Ray
Assistant Criminal District Attorney
Tarrant County, Texas
SBN 24046687

FILED
TARRANT COUNTY
2014 JUN 27 PM 3:24
THOMAS A. WILDER
DISTRICT CLERK

STATE'S NOTICE OF INTENT - BUSINESS RECORDS

Page 1 of 2

143

SCANNED

CERTIFICATE OF SERVICE

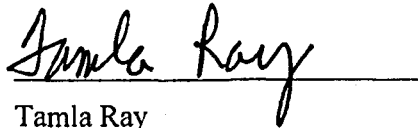
I hereby certify that a true and correct copy of the foregoing Notice of Intent to Offer Business Records was delivered to the attorney of record for the Defendant, TIM MOORE, by fax, on June 27, 2014.

Respectfully submitted,

JOE SHANNON, JR.

Criminal District Attorney

Tarrant County, Texas

A handwritten signature in black ink, appearing to read "Tamla Ray", is written over a horizontal line.

Tamla Ray

Assistant Criminal District Attorney

Tarrant County, Texas

SBN 24046687

THE STATE OF Florida
COUNTY OF Palm Beach

1352014R

§
§
§
§
§

BUSINESS RECORDS AFFIDAVIT

Before me, the undersigned authority, personally appeared Lynnette Grilo
who, being by me duly sworn, deposed as follows:

My name is Lynnette Grilo. I am of sound mind, capable of making
this affidavit, and personally acquainted with the facts herein stated:

I am the Custodian of the Records of AT&T. Attached hereto are records from AT&T. These
records are kept by AT&T in the regular course of business, and it was in the regular course of business of
AT&T that Lynnette Grilo, an employee or representative of AT&T, with
knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit
information thereof to be included in such record; further the record was made at or near the time or
reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the originals.

[Signature]
Affiant Signature

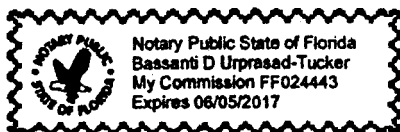
SWORN TO AND SUBSCRIBED before me on the 26 day of February, 2014.

[Signature]
Notary Public in and for the State of

Notary Public's printed Name:

Bassanti D Urprasad-Tucker

My commission expires: 6/5/17



NO. 1352014

THE STATE OF TEXAS

VS

OLIVAS, THOMAS

In the 372nd Judicial

District Court of

TARRANT COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her Criminal District Attorney, and respectfully requests the Court to dismiss the above and numbered action for the reason:

- ☐ DM01 Insufficient Evidence. Specify:
- ☐ DM02 The defendant was convicted in Cause No. on the day of , 20
- ☐ DM03 The complaining witness has requested dismissal - affidavit on file.
- ☒ DM04 The case has been refiled reindicted as Cause No. 1376698R
- ☐ DM05 The defendant has never been apprehended.
- ☐ DM06 The defendant is deceased - death certificate on file.
- ☐ DM07 Defendant granted immunity for testimony.
- ☐ DM08 Other. Specify:
- ☐ DM09 Prosecution is barred by the Speedy Trial Act.
- ☐ DM10 The defendant has been placed in the deferred prosecution program.
- ☐ DM11 The defendant has completed Defensive Driving school.
- ☐ DM12 The defendant will pay Court Costs.
- ☐ DM13 The defendant has completed Deferred Adjudication.

WHEREFORE, it is prayed that the above entitled and numbered cause be dismissed

Respectfully submitted,

JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS


ASSISTANT CRIMINAL DISTRICT ATTORNEY

The foregoing petition having been presented to me on this the 6 day of October A.D. 2014, and the same having been considered, it is therefore ORDERED, ADJUDGED and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

OCT 06 2014

TIME 9:24 am
BY [Signature] DEPUTY

JUDGE

146

SCANNED

Cause Number: 1376698

THE STATE OF TEXAS

Vs.

OLIVAS, THOMAS

§ IN THE 372ND JUDICIAL
§
§ DISTRICT COURT OF
§
§ TARRANT COUNTY, TEXAS

STATE'S ANNOUNCEMENT OF READY

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her representative the Criminal District Attorney of Tarrant County, Texas in the above styled and numbered case and announces to the Court that the State is ready for trial.

Respectfully submitted,

JOE SHANNON, JR.
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS



ASSISTANT CRIMINAL DISTRICT ATTORNEY

FILED
THOMAS A. WILDER, DISTRICT CLERK
TARRANT COUNTY, TEXAS

July 9, 2014

Time 4:00 PM
By JS Deputy

147



Office of
Attorney Appointments

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JUL 11 2014

TIME 11:19 am
BY WAS DEPUTY

Tim Curry Criminal Justice Center
401 West Belknap
Fort Worth, Texas 76196
Phone (817) 884-2369
Fax (817) 884-2371

Date: 09-Jul-2014 Time: 17:19
To: TIM MOORE
Office: 817-332-3822 Fax: 817-332-2763
E-Mail: tim.moore1@att.net

You have been appointed to represent the following indigent defendant:

Name: OLIVAS, THOMAS CID: 0802418
Home Address: 1603 OAK CREEK LN , # DOB: 11/28/1982
BEDFORD TX 76022
Phone: Race: W Sex: M

The defendant is charged with:

Offense	Incident#	Case#	Court	Date of Offense
MURDER - CAPITAL MULTIPLE		1376698	D372	

The defendant is currently confined at:

Agency: Sheriff
Contact:
Fax: Office:

Bondsman:

This appointment shall remain in effect until all charges are dismissed, the defendant is acquitted, appeals are exhausted, or until you are relieved of your duties by the court or replaced by other counsel after finding of good cause.

You are required by law to make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which you are appointed and to interview the defendant as soon as practicable thereafter.

148

SCANNED

Cause No(s). 1376698R

THE STATE OF TEXAS

§

IN THE ^{372ND JR}~~432ND~~

v.

§

DISTRICT COURT OF

THOMAS OLIVAS

§

TARRANT COUNTY, TEXAS

STATE'S NOTICE OF INTENT TO OFFER BUSINESS RECORDS

Comes now the State of Texas, by and through its Assistant Criminal District Attorney, and hereby gives notice of its intent to offer business records pursuant to Rule 902, Texas Rules of Evidence. The records are also tendered for filing with the Clerk of this Court for inclusion with the papers in this cause.

The person making affidavit relating to such records is:

YOLANDA M. HOWARD -- CUSTODIAN OF RECORDS

The employer of such person making affidavit is:

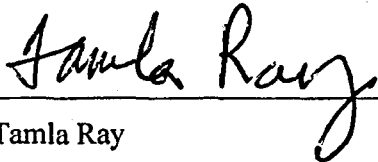
AT&T

Respectfully submitted,

JOE SHANNON, JR.

Criminal District Attorney

Tarrant County, Texas



Tamla Ray

Assistant Criminal District Attorney

Tarrant County, Texas


SBN 24046687

FILED
TARRANT COUNTY
2014 AUG 26 AM 11:56
THOMAS A. WILDER
DISTRICT CLERK

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Offer Business Records was delivered to the attorney of record for the Defendant, TIM MOORE, by fax, on August 26, 2014.

Respectfully submitted,
JOE SHANNON, JR.
Criminal District Attorney
Tarrant County, Texas



Tamla Ray

Assistant Criminal District Attorney
Tarrant County, Texas
SBN 24046687

AT&T-MOFAX33-21

7/10/2014 11:04:35 AM PAGE 3/003 Fax Server

THE STATE OF

COUNTY OF

1352014R

§
§
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§
§
§BUSINESS RECORDS AFFIDAVIT

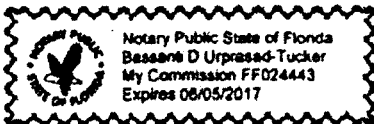
Before me, the undersigned authority, personally appeared Yolanda M Howard who, being by me duly sworn, deposed as follows:

My name is Yolanda M. Howard, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the Custodian of the Records of AT&T. Attached hereto are records from AT&T. These records are kept by AT&T in the regular course of business, and it was in the regular course of business of that Yolanda M. Howard, an employee or representative of AT&T, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; further the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the originals.

Yolanda M. Howard
Affiant Signature

SWORN TO AND SUBSCRIBED before me on the 10 day of July, 2014.



Bassanti D Urprasad-Tucker
Notary Public in and for the State of Florida

Notary Public's printed Name:

Bassanti D Urprasad-Tucker

My commission expires:

6/5/17

1550146.002 YMH



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Yolanda Howard, who being duly sworn, deposes and says:

My name is Yolanda Howard. I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since **June 8, 1998**. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Cellular Number(s): (817) 247-4045

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

Yolanda Howard
July 10, 2014

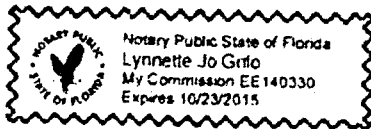
A handwritten signature in black ink, appearing to read "Yolanda Howard", with a large "X" mark to its left.

The foregoing affidavit was sworn to and subscribed before me by Yolanda Howard, who is personally known to me.

July 10, 2014

A handwritten signature in black ink, appearing to read "Lynette Jo Grilo", written over a circular notary seal.

Notary Public, State of Florida



Printed Name

Serial Number (if any)

National Court Order Compliance

1550146
06/26/2014
SCAMP

MOBILITY USAGE
(with cell location)



Run Date: 06/26/2014
Run Time: 17:07:11
Voice Usage For: (817)247-4045
Account Number: 177011011390

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2	03/20/11	02:05A	0:08	18172698886	18172474045	4:04	18172474045	011935005312431 2	310410277262848	M2M_DIR	[34505/41077:-97.23556:37.74861:13, 34505/47017:-97.27581:37.72417:13, 34505/41077:-97.23556:37.74861:13, 34505/47017:-97.27581:37.72417:13, 34505/41077:-97.23556:37.74861:13, 34505/47017:-97.27581:37.72417:13, 34505/41077:-97.23556:37.74861:13, 34505/41073:-97.23556:37.74861:253]
3	03/20/11	02:11A	0:06	18172698886	18172474045	1:27	18172474045	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
4	03/20/11	10:01A	0:21	16825606951	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_DIR	[34505/41077:-97.23556:37.74861:13]
5	03/20/11	10:03A	0:16	18172474045	16825606951	0:46	16825606951	011935005312431 2	310410277262848	M2M_DIR	[34505/41077:-97.23556:37.74861:13, 34505/41073:-97.23556:37.74861:253]
6	03/20/11	10:05A	0:27	18172474045	18172698886	0:03	18172698886	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
7	03/20/11	10:06A	0:27	18172474045	18172698886	0:04	18172698886	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
8	03/20/11	10:11A	0:27	18172474045	18172698886	0:02	18172698886	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
9	03/20/11	10:18A	0:26	18172474045	18172698886	0:04	18172698886	011935005312431 2	310410277262848	M2M_DIR	[34505/41077:-97.23556:37.74861:13]
10	03/20/11	10:43A	0:23	18172474045	16824650213	0:55	16824650213	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
11	03/20/11	10:50A	0:18	18172474045	12143585274	1:02	12143585274	011935005312431 2	310410277262848	M2O_DIR	[34505/41073:-97.23556:37.74861:253, 34505/47011:-97.27581:37.72417:13, 34505/41073:-97.23556:37.74861:253]
12	03/20/11	12:51P	0:09	16824650213	18172474045	0:14	18172474045	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
13	03/20/11	04:21P	0:28	18172474045	18179191755	0:36	18179191755	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
14	03/20/11	06:30P	0:30	18172474045	18172698886	0:02	18172698886	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
15	03/20/11	06:32P	0:26	18172474045	18172698886	0:03	18172698886	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
16	03/20/11	06:35P	0:09	18172474045	18172698886	0:38	18172698886	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
17	03/20/11	08:35P	0:27	18172474045	18172698886	0:03	18172698886	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]
18	03/20/11	08:35P	0:27	18172474045	18172698886	0:04	18172698886	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253]

AT&T Proprietary

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Page 1

1550146
06/26/2014
SCAMP

MOBILITY USAGE
(with cell location)



Item	Conn. Date	Conn. Time	Seizure Time	Originating Number	Terminating Number	Elapsed Time	Number Dialed	IMEI	IMSI	Description	Cell Location
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21	03/20/11	08:46P	0:06	18172698886	18172474045	3:23	18172474045	011935005312431 2	310410277262848	M2M_DIR	[34505/41073:-97.23556:37.74861:253, 34505/45292:-97.2775:37.74889:133, 34505/41073:-97.23556:37.74861:253, 34505/45292:-97.2775:37.74889:133, 34505/41073:-97.23556:37.74861:253, 34505/45292:-97.2775:37.74889:133, 34505/41073:-97.23556:37.74861:253, 34505/45292:-97.2775:37.74889:133, 34505/41073:-97.23556:37.74861:253, 34505/45292:-97.2775:37.74889:133, 34505/41073:-97.23556:37.74889:253, 34505/45292:-97.2775:37.74889:133, 34505/45293:-97.2775:37.74889:253, 34505/41073:-97.23556:37.74861:253, 34505/41051:-97.33:37.72528:13, 34505/45293:-97.2775:37.74889:253]
22	03/20/11	10:39P	0:12	18172474045	16824650213	0:56	16824650213	011935005312431 2	310410277262848	M2m_DIR	[46997/12209:-97.38767:35.88447:240]
23	03/20/11	11:39P	0:04	18172474045	16824650213	0:02	01116824650 213	011935005312431 2	310410277262848	M2m_DIR	[46998/31489:-97.46119:35.18681:240, 46998/32479:-97.48329:35.20644:240]
24	03/20/11	11:39P	0:21	18172474045	18178410866	0:40	01118178410 866	011935005312431 2	310410277262848	M2m_DIR	[46998/31489:-97.46119:35.18681:240, 46998/11483:-97.46119:35.18681:240]
25	03/21/11	12:01A	0:26	18172474045	18172698886	0:03	18172698886	011935005312431 2	310410277262848	M2M_DIR	[46998/11489:-97.46119:35.18681:240]
26	03/21/11	12:02A	0:26	18172474045	18172698886	0:03	18172698886	011935005312431 2	310410277262848	M2M_DIR	[46998/11489:-97.46119:35.18681:240]
27	03/21/11	12:02A	0:26	18172474045	18172698886	0:03	18172698886	011935005312431 2	310410277262848	M2M_DIR	[46998/11489:-97.46119:35.18681:240]
28	03/21/11	12:07A	0:17	18172474045	18172698886	1:48	18172698886	011935005312431 2	310410277262848	M2M_DIR	[46996/12012:-97.54618:35.19344:120]
29	03/21/11	12:15A	0:40	18172474045	16824650213	0:01	01116824650 213	011935005312431 2	310410277262848	M2m_DIR	[46998/11483:-97.46119:35.18681:240, 46998/12473:-97.48329:35.20644:240]
30	03/21/11	12:16A	0:37	18172474045	18178410866	0:02	01118178410 866	011935005312431 2	310410277262848	M2m_DIR	[46998/12473:-97.48329:35.20644:240]
31	03/21/11	12:41A	0:20	18172691226	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46998/11629:-97.46201:35.20339:240]
32	03/21/11	12:41A	0:01	18172474045	14099749000	0:06	14099749000		310410277262848	M2m	[]
33	03/21/11	12:41A	0:01	18172691226	18172474045	0:06	18172474045		310410277262848	m2M	[]
34	03/21/11	01:34A	0:01	18172474045	18172691226	0:00	18172691226	011935005312431 2	310410277262848	M2M_DIR	[46998/11539:-97.44348:35.20593:240]
35	03/21/11	01:35A	0:17	18172474045	18172691226	1:29	18172691226	011935005312431 2	310410277262848	M2M_DIR	[46998/12473:-97.48329:35.20644:240, 46998/11483:-97.46119:35.18681:240]

AT&T Proprietary

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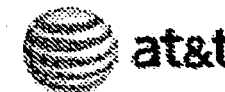
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Page 2

154

1550146
06/26/2014
SCAMP

MOBILITY USAGE
(with cell location)



Run Date: 06/26/2014
Run Time: 17:07:11
Voice Usage For: (817)247-4045
Account Number: 177011011390

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37	03/21/11	01:38A	0:07	18172474045	18172691226	0:03	18172691226	011935005312431 2	310410277262848	M2M_DIR	[46998/12473:-97.48329:35.20644:240, 46998/11483:-97.46119:35.18681:240]
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39	03/21/11	04:00A	0:10	18172474045	18172711863	0:14	01118172711 863	011935005312431 2	310410277262848	M2M_DIR	[46998/11489:-97.46119:35.18681:240]
40	03/21/11	06:02A	0:20	18172698886	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
41	03/21/11	06:02A	0:01	18172474045	14099749000	0:01	14099749000		310410277262848	M2m	[]
42	03/21/11	06:02A	0:01	18172698886	18172474045	0:01	18172474045		310410277262848	m2M	[]
43	03/21/11	06:02A	0:21	18172698886	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
44	03/21/11	06:03A	0:01	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
45	03/21/11	06:03A	0:01	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]
46	03/21/11	06:03A	0:21	18172698886	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
47	03/21/11	06:03A	0:01	18172474045	14099749000	0:04	14099749000		310410277262848	M2m	[]
48	03/21/11	06:03A	0:01	18172698886	18172474045	0:04	18172474045		310410277262848	m2M	[]
49	03/21/11	06:11A	0:21	18172698886	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
50	03/21/11	06:12A	0:01	18172474045	14099749000	0:09	14099749000		310410277262848	M2m	[]
51	03/21/11	06:12A	0:01	18172698886	18172474045	0:09	18172474045		310410277262848	m2M	[]
52	03/21/11	06:12A	0:20	18172698886	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
53	03/21/11	06:12A	0:02	18172474045	14099749000	0:04	14099749000		310410277262848	M2m	[]
54	03/21/11	06:12A	0:02	18172698886	18172474045	0:04	18172474045		310410277262848	m2M	[]
55	03/21/11	06:36A	0:21	18172698886	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
56	03/21/11	06:36A	0:02	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
57	03/21/11	06:36A	0:02	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]
58	03/21/11	06:37A	0:21	18172698886	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
59	03/21/11	06:37A	0:01	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
60	03/21/11	06:37A	0:02	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]
61	03/21/11	07:32A	0:20	18172698886	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
62	03/21/11	07:32A	0:01	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
63	03/21/11	07:32A	0:01	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]

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06/26/2014
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Run Date: 06/26/2014
Run Time: 17:07:11
Voice Usage For: (817)247-4045
Account Number: 177011011390

Item	Conn. Date	Conn. Time	Seizure Time	Originating Number	Terminating Number	Elapsed Time	Number Dialed	IMEI	IMSI	Description	Cell Location
64	03/21/11	07:32A	0:21	18172698886	18172474045	0:00	18172474045	011935005312431	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
65	03/21/11	07:33A	0:01	18172474045	14099749000	0:04	14099749000		310410277262848	M2m	[]
66	03/21/11	07:33A	0:01	18172698886	18172474045	0:04	18172474045		310410277262848	m2M	[]
67	03/21/11	08:21A	0:21	13157244022	18172474045	0:00	18172474045	011935005312431	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
68	03/21/11	08:21A	0:01	18172474045	14099749000	1:22	14099749000		310410277262848	M2m	[]
69	03/21/11	08:21A	0:27	13157244022	18172474045	1:22	18172474045		310410277262848	M2M	[]
70	03/21/11	09:44A	0:20	18172698886	18172474045	0:00	18172474045	011935005312431	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120, 46996/12012:-97.54618:35.19344:120]
71	03/21/11	09:45A	0:02	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
72	03/21/11	09:45A	0:02	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]
73	03/21/11	09:50A	0:21	18172698886	18172474045	0:00	18172474045	011935005312431	310410277262848	M2M_VMC	[46996/12018:-97.54618:35.19344:120]
74	03/21/11	09:51A	0:01	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
75	03/21/11	09:51A	0:02	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]
76	03/21/11	09:51A	0:13	18172474045	18172698886	2:43	18172698886	011935005312431	310410277262848	M2M_DIR	[46996/12018:-97.54618:35.19344:120, 46998/11483:-97.46119:35.18681:240]
77	03/21/11	09:54A	0:16	18172474045	18172698886	0:03	18172698886	011935005312431	310410277262848	M2M_DIR	[46998/11483:-97.46119:35.18681:240]
78	03/21/11	10:48A	0:25	18172474045	18172698886	0:02	18172698886	011935005312431	310410277262848	M2M_DIR	[46105/10910:-97.50112:35.18075:0]
79	03/21/11	11:12A	0:27	18172474045	18172698886	0:16	18172698886	011935005312431	310410277262848	M2M_DIR	[46998/11489:-97.46119:35.18681:240]
80	03/21/11	11:34A	0:20	18172698886	18172474045	0:00	18172474045	011935005312431	310410277262848	M2M_VMC	[46996/10098:-97.35711:34.93467:0]
81	03/21/11	11:34A	0:02	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
82	03/21/11	11:34A	0:02	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]
83	03/21/11	11:35A	0:21	18172698886	18172474045	0:00	18172474045	011935005312431	310410277262848	M2M_VMC	[46996/10098:-97.35711:34.93467:0, 46996/13269:-97.3147:34.82655:340]
84	03/21/11	11:35A	0:01	18172474045	14099749000	0:06	14099749000		310410277262848	M2m	[]
85	03/21/11	11:35A	0:02	18172698886	18172474045	0:06	18172474045		310410277262848	m2M	[]
86	03/21/11	11:42A	0:11	18172474045	18172698886	10:51	18172698886	011935005312431	310410277262848	M2M_DIR	[46996/13279:-97.26427:34.73671:0, 46996/10171:-97.14916:34.41803:0]
87	03/21/11	11:53A	0:20	18172698886	18172474045	0:00	18172474045	011935005312431	310410277262848	M2M_VMC	[46996/10171:-97.14916:34.41803:0, 46996/13293:-97.12464:34.50548:310]
88	03/21/11	11:54A	0:01	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
89	03/21/11	11:54A	0:01	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]
90	03/21/11	11:54A	0:00	18172698886	18172474045	0:00	18172474045		310410277262848	M2M	[]
91	03/21/11	11:54A	0:02	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
92	03/21/11	11:54A	0:02	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]

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Run Date: 06/26/2014
Run Time: 17:07:11
Voice Usage For: (817)247-4045
Account Number: 177011011390

Item	Conn. Date	Conn. Time	Seizure Time	Originating Number	Terminating Number	Elapsed Time	Number Dialed	MSI	MSI	Description	Cell Location
93	03/21/11	11:54A	0:03	18172474045	18172698886	0:06	18172698886	011935005312431 2	310410277262848	M2M_DIR	[46996/13293:-97.12464:34.50548:310]
94	03/21/11	11:54A	0:20	18172474045	18172698886	12:39	18172698886	011935005312431 2	310410277262848	M2M_DIR	[46996/13293:-97.12464:34.50548:310, 46104/11173:-97.15207:34.31657:240]
95	03/21/11	12:13P	0:03	18172698886	18172474045	0:27	18172474045	011935005312431 2	310410277262848	M2M_DIR	[46996/11865:-97.17334:34.18856:140, 46996/12626:-97.15536:34.15676:240]
96	03/21/11	12:39P	0:21	18179863537	18172474045	0:00	18172474045	011935005312431 2	310410277262848	M2M_VMC	[46996/10428:-97.14483:33.75514:175]
97	03/21/11	12:39P	0:00	18172474045	14099749000	2:14	14099749000		310410277262848	M2m	[]
98	03/21/11	12:39P	0:27	18179863537	18172474045	2:14	18172474045		310410277262848	M2m	[]
99	03/21/11	12:39P	0:05	18172474045	18179863537	3:55	18179863537	011935005312431 2	310410277262848	M2m_DIR	[46996/10428:-97.14483:33.75514:175, 52902/21041:-97.16083:33.64306:8]
100	03/21/11	12:49P	0:07	13157244022	18172474045	0:12	18172474045	011935005312431 2	310410277262848	O2M_DIR	[52902/21041:-97.16083:33.64306:8]
101	03/21/11	12:50P	0:03	18172474045	13157244022	0:35	13157244022	011935005312431 2	310410277262848	M2O_DIR	[52902/21041:-97.16083:33.64306:8]
102	03/21/11	12:53P	0:03	18172474045	18662426289	2:30	18662426289	011935005312431 2	310410277262848	M2O_DIR	[52902/21048:-97.16083:33.64306:128, 52902/21231:-97.15969:33.58744:8]
103	03/21/11	01:10P	0:24	18172474045	12146509258	0:18	12146509258	011935005312431 2	310410277262848	M2m_DIR	[52902/33082:-97.18419:33.364:128, 52902/22191:-97.1785:33.31942:8]
104	03/21/11	01:22P	0:04	18174660059	18172474045	1:22	18172474045	011935005312431 2	310410277262848	O2M_DIR	[52708/22217:-97.24094:33.10861:8, 52708/22214:-97.24094:33.10861:8]
105	03/21/11	04:55P	0:23	18172474045	18172698886	0:17	18172698886	011935005312431 2	310410277262848	M2M_DIR	[52704/14361:-97.11161:32.63311:8]
106	03/21/11	04:58P	0:20	18172474045	16825834118	0:05	16825834118	011935005312431 2	310410277262848	M2m_DIR	[52704/14362:-97.11161:32.63311:128]
107	03/21/11	05:08P	0:21	18172474045	16825834118	0:08	16825834118	011935005312431 2	310410277262848	M2m_DIR	[52812/14483:-97.0695:32.63469:248]
108	03/21/11	05:29P	0:02	18172698886	14099749000	0:04	18172474045		310410277262848	M2m_VMC	[]
109	03/21/11	05:29P	0:06	18172698886	18172474045	18:02	18172474045	011935005312431 2	310410277262848	M2M_DIR	[52812/40999:-97.0695:32.63469:248, 52704/41848:-97.09831:32.69133:120]
110	03/21/11	05:48P	0:17	18172474045	12147638904	1:24	12147638904	011935005312431 2	310410277262848	M2M_DIR	[52704/14642:-97.09831:32.69133:128]
111	03/21/11	06:57P	0:08	18172474045	18172698886	0:22	18172698886	011935005312431 2	310410277262848	M2M_DIR	[52812/12968:-97.07031:32.66311:180]
112	03/21/11	07:12P	0:20	18006580052	18172474045	0:00	18172474045	011935005312431 2	310410277262848	O2M_VMC	[52812/07858:-97.07031:32.66311:180]
113	03/21/11	07:13P	0:01	18172474045	14099749000	0:35	14099749000		310410277262848	M2m	[]
114	03/21/11	07:13P	0:26	18006580052	18172474045	0:35	18172474045		310410277262848	O2M	[]
115	03/21/11	07:29P	0:11	19726605000	18172474045	1:02	18172474045	011935005312431 2	310410277262848	O2M_DIR	[52812/14481:-97.0695:32.63469:8, 52812/14489:-97.0695:32.63469:248]

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06/26/2014
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(with cell location)



Run Date: 06/26/2014
Run Time: 17:07:11
Voice Usage For: (817)247-4045
Account Number: 177011011390

Item	Conn. Date	Conn. Time	Seizure Time	Originating Number	Terminating Number	Elapsed Time	Number Dialed	IMEI	MSI	Description	Cell Location
116	03/21/11	07:32P	0:08	18172474045	16825834118	0:55	16825834118	011935005312431 2	310410277262848	M2m_DIR	[52812/40999:-97.0695:32.63469:248]
117	03/21/11	08:17P	0:21	16825834118	18172474045	0:00	18172474045	011935005312431 2	310410277262848	m2M_VMC	[52812/14483:-97.0695:32.63469:248]
118	03/21/11	08:17P	0:01	18172474045	14099749000	0:15	14099749000		310410277262848	M2m	[]
119	03/21/11	08:17P	0:25	16825834118	18172474045	0:15	18172474045		310410277262848	m2M	[]
120	03/21/11	11:19P	0:33	18172474045	16825834118	0:07	16825834118	011935005312431 2	310410277262848	M2m_DIR	[52812/44064:-97.08975:32.67886:, 52812/04512:-97.07261:32.70406:8]
121	03/21/11	11:21P	0:26	18172474045	18176816315	0:02	01118176816 315	011935005312431 2	310410277262848	M2m_DIR	[52704/14642:-97.09831:32.69133:128]
122	03/21/11	11:28P	0:20	18176816315	18172474045	0:00	18172474045	011935005312431 2	310410277262848	m2M_VMC	[52704/14642:-97.09831:32.69133:128]
123	03/21/11	11:28P	0:01	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
124	03/21/11	11:28P	0:25	18176816315	18172474045	0:03	18172474045		310410277262848	m2M	[]
125	03/21/11	11:29P	0:03	18176816315	18172474045	0:59	18172474045	011935005312431 2	310410277262848	m2M_DIR	[52704/14642:-97.09831:32.69133:128]
126	03/21/11	11:31P	0:23	18172474045	18172698886	0:03	18172698886	011935005312431 2	310410277262848	M2M_DIR	[52704/14642:-97.09831:32.69133:128]
127	03/21/11	11:33P	0:00	18172698886	18172474045	0:00	18172474045		310410277262848	M2M	[]
128	03/21/11	11:33P	0:02	18172474045	18172698886	0:06	18172698886	011935005312431 2	310410277262848	M2M_DIR	[52704/41842:-97.09831:32.69133:120]
129	03/21/11	11:33P	0:02	18172474045	14099749000	0:03	14099749000		310410277262848	M2m	[]
130	03/21/11	11:33P	0:02	18172698886	18172474045	0:03	18172474045		310410277262848	m2M	[]
131	03/21/11	11:33P	0:03	18172474045	18172698886	22:05	18172698886	011935005312431 2	310410277262848	M2M_DIR	[52704/41842:-97.09831:32.69133:120]
132	03/21/11	11:42P	0:00	18176816315	18172474045	0:00	18172474045		310410277262848	m2M	[]
133	03/21/11	11:42P	0:01	18172474045	14099749000	0:04	14099749000		310410277262848	M2m	[]
134	03/21/11	11:42P	0:23	18176816315	18172474045	0:04	18172474045		310410277262848	m2M	[]
135	03/21/11	11:54P	0:00	16825834118	18172474045	0:00	18172474045		310410277262848	m2M	[]
136	03/21/11	11:54P	0:01	18172474045	14099749000	0:30	14099749000		310410277262848	M2m	[]
137	03/21/11	11:54P	0:23	16825834118	18172474045	0:30	18172474045		310410277262848	m2M	[]
138	03/21/11	11:56P	0:20	18172474045	18176816315	0:27	18176816315	011935005312431 2	310410277262848	M2m_DIR	[52704/41842:-97.09831:32.69133:120]
139	03/21/11	11:56P	0:10	18172474045	16825834118	0:46	16825834118	011935005312431 2	310410277262848	M2m_DIR	[52704/41842:-97.09831:32.69133:120]
140	03/21/11	11:58P	0:32	18172474045	18176554985	0:57	01118176554 985	011935005312431 2	310410277262848	M2m_DIR	[52704/41842:-97.09831:32.69133:120]

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06/26/2014
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MOBILITY USAGE
(with cell location)



Run Date: 06/26/2014
Run Time: 17:07:12
Data Usage For: (817)247-4045
Account Number: 177011011390

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
1	03/20/11	12:55A	18172474045	60:00	1709	447	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
2	03/20/11	01:55A	18172474045	60:00	860	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
3	03/20/11	02:55A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
4	03/20/11	03:55A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
5	03/20/11	04:55A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
6	03/20/11	05:55A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
7	03/20/11	06:55A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
8	03/20/11	07:55A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
9	03/20/11	08:55A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
10	03/20/11	09:55A	18172474045	60:00	13297	532095	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
11	03/20/11	10:55A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
12	03/20/11	11:55A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
13	03/20/11	12:55P	18172474045	60:00	5401	46474	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
14	03/20/11	01:55P	18172474045	60:00	1554	459	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
15	03/20/11	02:55P	18172474045	60:00	112519	197259	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
16	03/20/11	03:55P	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
17	03/20/11	04:55P	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
18	03/20/11	05:55P	18172474045	60:00	519	267	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
19	03/20/11	06:55P	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
20	03/20/11	07:55P	18172474045	60:00	27778	85488	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
21	03/20/11	08:55P	18172474045	10:33	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[34505/45292:-97.2775:37.74889:133]
22	03/20/11	09:05P	18172474045	4:58	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[34002/46891:-97.32495:37.48483:13]
23	03/20/11	09:21P	18172474045	11:52	2779	5497	0119350053124312	310410277262848	phone	MOBILE_DATA	[34002/62368:-97.3375:37.24594:180]
24	03/20/11	09:33P	18172474045	5:46	173	141	0119350053124312	310410277262848	phone	MOBILE_DATA	[46101/11191:-97.3445:36.94164:40]
25	03/20/11	09:39P	18172474045	0:16	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46997/11833:-97.05056:36.884:265]
26	03/20/11	09:39P	18172474045	1:29	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46101/11821:-97.31728:36.78394:40]
27	03/20/11	09:40P	18172474045	0:15	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46997/11839:-97.05056:36.884:265]
28	03/20/11	09:41P	18172474045	0:52	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46101/11821:-97.31728:36.78394:40]
29	03/20/11	09:41P	18172474045	0:43	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46997/10253:-97.15192:36.75142:240]
30	03/20/11	09:42P	18172474045	0:22	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46101/11821:-97.31728:36.78394:40]
31	03/20/11	09:43P	18172474045	0:15	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46997/10257:-97.15192:36.75142:0]
32	03/20/11	09:43P	18172474045	0:41	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46101/11821:-97.31728:36.78394:40]
33	03/20/11	09:43P	18172474045	0:31	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46997/11839:-97.05056:36.884:265]
34	03/20/11	09:44P	18172474045	0:11	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46101/10253:-97.15192:36.75142:240]
35	03/20/11	09:44P	18172474045	4:42	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46997/10259:-97.15192:36.75142:240]
36	03/20/11	09:49P	18172474045	22:24	173	141	0119350053124312	310410277262848	phone	MOBILE_DATA	[46101/12463:-97.29961:36.68722:320]
37	03/20/11	10:11P	18172474045	1:01	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46997/11281:-97.34908:36.13048:0]
38	03/20/11	10:12P	18172474045	0:51	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46101/11562:-97.33625:36.28225:145]

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MOBILITY USAGE
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Run Date: 06/26/2014
Run Time: 17:07:12
Data Usage For: (817)247-4045
Account Number: 177011011390

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
39	03/20/11	10:13P	18172474045	60:00	11977	119877	0119350053124312	310410277262848	phone	MOBILE_DATA	[46997/11281:-97.34908:36.13048:0]
40	03/20/11	11:13P	18172474045	60:00	120250	192981	0119350053124312	310410277262848	phone	MOBILE_DATA	[46998/11921:-97.48255:35.39759:0]
41	03/21/11	12:13A	18172474045	60:00	640	383	0119350053124312	310410277262848	phone	MOBILE_DATA	[46998/11483:-97.46119:35.18681:240]
42	03/21/11	01:13A	18172474045	36:21	173	89	0119350053124312	310410277262848	phone	MOBILE_DATA	[46998/11483:-97.46119:35.18681:240]
43	03/21/11	01:50A	18172474045	11:01	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46105/10910:-97.50112:35.18075:0]
44	03/21/11	02:01A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[46998/11629:-97.46201:35.20339:240]
45	03/21/11	03:01A	18172474045	60:00	146135	257760	0119350053124312	310410277262848	phone	MOBILE_DATA	[46998/11489:-97.46119:35.18681:240]
46	03/21/11	04:01A	18172474045	60:00	78565	112348	0119350053124312	310410277262848	phone	MOBILE_DATA	[46998/11483:-97.46119:35.18681:240]
47	03/21/11	05:01A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[46996/12012:-97.54618:35.19344:120]
48	03/21/11	06:01A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[46996/12012:-97.54618:35.19344:120]
49	03/21/11	07:01A	18172474045	60:00	346	178	0119350053124312	310410277262848	phone	MOBILE_DATA	[46996/12018:-97.54618:35.19344:120]
50	03/21/11	08:01A	18172474045	60:00	519	371	0119350053124312	310410277262848	phone	MOBILE_DATA	[46996/12018:-97.54618:35.19344:120]
51	03/21/11	08:23A	18172474045	1:18	4051	117568	0119350053124312	310410277262848	acds.voicem ail	MOBILE_DATA	[46996/12018:-97.54618:35.19344:120]
52	03/21/11	09:01A	18172474045	60:00	111074	198894	0119350053124312	310410277262848	phone	MOBILE_DATA	[46996/12018:-97.54618:35.19344:120]
53	03/21/11	09:55A	18172474045	4:02	2069	1375	0119350053124312	310410277262848	acds.voicem ail	MOBILE_DATA	[46996/12012:-97.54618:35.19344:120]
54	03/21/11	10:01A	18172474045	19:42	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46996/12012:-97.54618:35.19344:120]
55	03/21/11	10:21A	18172474045	3:34	2535	4898	0119350053124312	310410277262848	phone	MOBILE_DATA	[46998/12473:-97.48329:35.20644:240]
56	03/21/11	10:24A	18172474045	23:55	5667	11189	0119350053124312	310410277262848	phone	MOBILE_DATA	[46105/10910:-97.50112:35.18075:0]
57	03/21/11	10:48A	18172474045	60:00	141944	240018	0119350053124312	310410277262848	phone	MOBILE_DATA	[46998/11489:-97.46119:35.18681:240]
58	03/21/11	11:48A	18172474045	18:53	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[46996/12907:-97.4876:35.11877:0]
59	03/21/11	12:07P	18172474045	0:21	2678	5974	0119350053124312	310410277262848	phone	MOBILE_DATA	[46104/11173:-97.15207:34.31657:240]
60	03/21/11	12:08P	18172474045	35:52	44443	280145	0119350053124312	310410277262848	phone	MOBILE_DATA	[46996/11173:-97.15207:34.31657:240]
61	03/21/11	12:41P	18172474045	2:05	4091	119816	0119350053124312	310410277262848	acds.voicem ail	MOBILE_DATA	[46996/10422:-97.14483:33.75514:175]
62	03/21/11	12:43P	18172474045	18:02	105955	184443	0119350053124312	310410277262848	phone	MOBILE_DATA	[52902/21041:-97.16083:33.64306:8]
63	03/21/11	12:43P	18172474045	1:57	0	0	0119350053124312	310410277262848	acds.voicem ail	MOBILE_DATA	[52902/21041:-97.16083:33.64306:8]
64	03/21/11	12:50P	18172474045	4:01	2069	1335	0119350053124312	310410277262848	acds.voicem ail	MOBILE_DATA	[52902/21041:-97.16083:33.64306:8]
65	03/21/11	01:01P	18172474045	3:24	3306	6793	0119350053124312	310410277262848	phone	MOBILE_DATA	[52004/22061:-97.19258:33.41469:0]
66	03/21/11	01:05P	18172474045	27:26	294	153	0119350053124312	310410277262848	phone	MOBILE_DATA	[52902/22061:-97.19258:33.41469:8]
67	03/21/11	01:32P	18172474045	0:30	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[52706/21537:-97.32686:32.93406:8]
68	03/21/11	01:33P	18172474045	1:47	24468	103365	0119350053124312	310410277262848	phone	MOBILE_DATA	[52708/53988:-97.34836:32.96547:128]
69	03/21/11	01:35P	18172474045	1:45	5495	45123	0119350053124312	310410277262848	phone	MOBILE_DATA	[52706/21531:-97.32686:32.93406:8]
70	03/21/11	01:36P	18172474045	0:35	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[52008/33021:-97.33303:32.90508:8]
71	03/21/11	01:37P	18172474045	60:00	6319	5961	0119350053124312	310410277262848	phone	MOBILE_DATA	[52706/40969:-97.30836:32.89667:248]
72	03/21/11	02:37P	18172474045	60:00	5659	5223	0119350053124312	310410277262848	phone	MOBILE_DATA	[52704/42167:-97.23944:32.66522:0]

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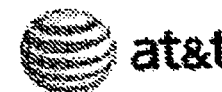
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(with cell location)



Run Date:		06/26/2014									
Run Time:		17:07:12									
Data Usage For:		(817)247-4045									
Account Number:		177011011390									
Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description	Cell Location
73	03/21/11	03:37P	18172474045	60:00	8214	23465	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/42167:-97.23944:32.66522:0]
74	03/21/11	04:37P	18172474045	21:51	7307	30738	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/42167:-97.23944:32.66522:0]
75	03/21/11	04:59P	18172474045	0:17	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/13459:-97.0735:32.61044:248]
76	03/21/11	04:59P	18172474045	0:05	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/40332:-97.11161:32.63311:128]
77	03/21/11	04:59P	18172474045	12:31	31469	77081	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/18191:-97.0735:32.61044:8]
78	03/21/11	05:12P	18172474045	0:51	173	89	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/14362:-97.11161:32.63311:128]
79	03/21/11	05:13P	18172474045	34:37	167215	107828	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/14489:-97.0695:32.63469:248]
80	03/21/11	05:47P	18172474045	0:04	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/14642:-97.09831:32.69133:128]
81	03/21/11	05:47P	18172474045	0:05	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/44064:-97.08975:32.67886:]
82	03/21/11	05:47P	18172474045	4:02	505	398	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/14642:-97.09831:32.69133:128]
83	03/21/11	06:04P	18172474045	4:04	2159	14217	0119350053124312	310410277262848	acds.voicem ail	_MOBILE_DATA_	[52812/12968:-97.07031:32.66311:180]
84	03/21/11	06:04P	18172474045	34:03	207050	330922	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/12968:-97.07031:32.66311:180]
85	03/21/11	06:38P	18172474045	4:40	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52102/41942:-97.07261:32.70406:128]
86	03/21/11	06:43P	18172474045	30:22	3886	5968	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/07858:-97.07031:32.66311:180]
87	03/21/11	07:29P	18172474045	5:35	6190	48146	0119350053124312	310410277262848	acds.voicem ail	_MOBILE_DATA_	[52812/17922:-97.13292:32.65611:128]
88	03/21/11	07:29P	18172474045	12:07	3819	9596	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/17922:-97.13292:32.65611:128]
89	03/21/11	07:41P	18172474045	0:59	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/14367:-97.11161:32.63311:8]
90	03/21/11	07:42P	18172474045	2:27	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/40993:-97.0695:32.63469:248]
91	03/21/11	07:45P	18172474045	2:30	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/14367:-97.11161:32.63311:8]
92	03/21/11	07:47P	18172474045	2:18	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/40993:-97.0695:32.63469:248]
93	03/21/11	07:50P	18172474045	0:03	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/14367:-97.11161:32.63311:8]
94	03/21/11	07:50P	18172474045	0:43	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/14489:-97.0695:32.63469:248]
95	03/21/11	07:51P	18172474045	2:20	2925	5750	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/40993:-97.0695:32.63469:248]
96	03/21/11	07:53P	18172474045	0:45	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/14367:-97.11161:32.63311:8]
97	03/21/11	07:54P	18172474045	0:05	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/40993:-97.0695:32.63469:248]
98	03/21/11	07:54P	18172474045	3:39	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/40332:-97.11161:32.63311:128]
99	03/21/11	07:57P	18172474045	26:50	294	153	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/14483:-97.0695:32.63469:248]
100	03/21/11	08:18P	18172474045	0:49	3211	33186	0119350053124312	310410277262848	acds.voicem ail	_MOBILE_DATA_	[52812/14483:-97.0695:32.63469:248]
101	03/21/11	08:24P	18172474045	0:15	1989	1295	0119350053124312	310410277262848	acds.voicem ail	_MOBILE_DATA_	[52812/14483:-97.0695:32.63469:248]
102	03/21/11	08:24P	18172474045	0:31	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52704/14362:-97.11161:32.63311:128]
103	03/21/11	08:24P	18172474045	0:31	160	120	0119350053124312	310410277262848	acds.voicem ail	_MOBILE_DATA_	[52704/14362:-97.11161:32.63311:128]
104	03/21/11	08:25P	18172474045	25:47	0	0	0119350053124312	310410277262848	phone	_MOBILE_DATA_	[52812/14483:-97.0695:32.63469:248]

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(with cell location)



Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMSI	IMSI	Access Pt	Description	Cell Location
105	03/21/11	08:25P	18172474045	0:05	0	0	0119350053124312	310410277262848	acds.voicem ail	MOBILE_DATA	[52812/14483:-97.0695:32.63469:248]
106	03/21/11	08:50P	18172474045	0:12	0	0	0119350053124312	310410277262848	phone	MOBILE_DATA	[52704/40332:-97.11161:32.63311:128]
107	03/21/11	08:51P	18172474045	60:00	3725	5642	0119350053124312	310410277262848	phone	MOBILE_DATA	[52812/40993:-97.0695:32.63469:248]
108	03/21/11	09:51P	18172474045	19:33	1279	141	0119350053124312	310410277262848	phone	MOBILE_DATA	[52812/14483:-97.0695:32.63469:248]
109	03/21/11	11:18P	18172474045	1:57	2369	16137	0119350053124312	310410277262848	acds.voicem ail	MOBILE_DATA	[52812/12963:-97.07031:32.66311:300]
110	03/21/11	11:18P	18172474045	1:52	25620	39805	0119350053124312	310410277262848	phone	MOBILE_DATA	[52812/12963:-97.07031:32.66311:300]
111	03/21/11	11:20P	18172474045	2:05	0	0	0119350053124312	310410277262848	acds.voicem ail	MOBILE_DATA	[52704/14642:-97.09831:32.69133:128]
112	03/21/11	11:20P	18172474045	41:42	1047	1039	0119350053124312	310410277262848	phone	MOBILE_DATA	[52704/14642:-97.09831:32.69133:128]
113	03/21/11	11:54P	18172474045	4:02	3131	35967	0119350053124312	310410277262848	acds.voicem ail	MOBILE_DATA	[52704/41842:-97.09831:32.69133:120]

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06/26/2014
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MOBILITY USAGE
(with cell location)



Run Date: 06/26/2014
Run Time: 17:07:12
SMS Usage For: (817)247-4045
Account Number: 177011011390

Item	Conn. Date	Conn. Time	Originating Number	Terminating Number	IMSI	IMSI	Description	Cell Location
1	03/20/11	02:15A	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/41073:-97.23556:37.74861:253]
2	03/20/11	02:19A	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/41077:-97.23556:37.74861:13]
3	03/20/11	02:21A	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/41077:-97.23556:37.74861:13]
4	03/20/11	02:21A	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/41077:-97.23556:37.74861:13]
5	03/20/11	02:21A	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/41077:-97.23556:37.74861:13]
6	03/20/11	02:21A	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/41077:-97.23556:37.74861:13]
7	03/20/11	03:14P	18179469251	18172474045	0119350053124312	310410277262848	IN	[34505/47028:-97.24572:37.69544:133]
8	03/20/11	03:40P	18172474045	18179469251	0119350053124312	310410277262848	OUT	[34505/41073:-97.23556:37.74861:253]
9	03/20/11	06:33P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[34505/41073:-97.23556:37.74861:253]
10	03/20/11	06:34P	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/41073:-97.23556:37.74861:253]
11	03/20/11	08:36P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[34505/41073:-97.23556:37.74861:253]
12	03/20/11	08:50P	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/45299:-97.2775:37.74889:253]
13	03/20/11	08:52P	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/42077:-97.31972:37.69806:13]
14	03/20/11	08:53P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[34505/42078:-97.31972:37.69806:133]
15	03/20/11	08:54P	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/41233:-97.29722:37.69528:253]
16	03/20/11	09:02P	18172698886	18172474045	0119350053124312	310410277262848	IN	[34505/46783:-97.32249:37.56749:253]
17	03/20/11	11:06P	18172474045	16824650213	0119350053124312	310410277262848	OUT	[46999/12142:-97.48561:35.44176:180]
18	03/20/11	11:08P	16824650213	18172474045	0119350053124312	310410277262848	IN	[46998/10968:-97.50702:35.39555:120]
19	03/20/11	11:09P	18172474045	16824650213	0119350053124312	310410277262848	OUT	[46998/12001:-97.4906:35.37611:0]
20	03/21/11	12:16A	18172474045	18178410866	0119350053124312	310410277262848	OUT	[46998/11483:-97.46119:35.18681:240]
21	03/21/11	03:27A	18172711863	18172474045	0119350053124312	310410277262848	IN	[46998/12513:-97.43641:35.18053:240]
22	03/21/11	03:32A	18172474045	18172711863	0119350053124312	310410277262848	OUT	[46998/12473:-97.48329:35.20644:240]
23	03/21/11	06:04A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/12018:-97.54618:35.19344:120]
24	03/21/11	06:05A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/12018:-97.54618:35.19344:120]
25	03/21/11	08:23A	1000000000	18172474045	0119350053124312	310410277262848	IN	[46996/12018:-97.54618:35.19344:120]
26	03/21/11	08:23A	1100	18172474045	0119350053124312	310410277262848	IN_VMN	[46996/12018:-97.54618:35.19344:120]
27	03/21/11	08:23A	0100	18172474045	0119350053124312	310410277262848	IN_VMP	[46996/12018:-97.54618:35.19344:120]
28	03/21/11	09:39A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46998/11483:-97.46119:35.18681:240]
29	03/21/11	09:39A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/12012:-97.54618:35.19344:120]
30	03/21/11	09:39A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/12012:-97.54618:35.19344:120]
31	03/21/11	09:59A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/12018:-97.54618:35.19344:120]
32	03/21/11	10:00A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/12018:-97.54618:35.19344:120]
33	03/21/11	10:00A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/12018:-97.54618:35.19344:120]
34	03/21/11	10:11A	18172474045	18172698886	0119350053124312	310410277262848	OUT	[46998/11489:-97.46119:35.18681:240]
35	03/21/11	10:12A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46998/11489:-97.46119:35.18681:240]
36	03/21/11	10:15A	18172474045	18172698886	0119350053124312	310410277262848	OUT	[46998/12473:-97.48329:35.20644:240]
37	03/21/11	10:16A	18172698886	18172474045	0119350053124312	310410277262848	IN	[46998/12473:-97.48329:35.20644:240]
38	03/21/11	12:14P	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/12626:-97.15536:34.15676:240]

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MOBILITY USAGE
(with cell location)



Run Date: 06/26/2014
Run Time: 17:07:12
SMS Usage For: (817)247-4045
Account Number: 177011011390

Item	Conn. Date	Conn. Time	Originating Number	Terminating Number	IMSI	IMSI	Description	Cell Location
39	03/21/11	12:16P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[46996/12625:-97.15536:34.15676:120]
40	03/21/11	12:16P	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/10181:-97.21185:34.07348:120]
41	03/21/11	12:19P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[46996/12622:-97.15536:34.15676:120]
42	03/21/11	12:24P	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/12332:-97.14555:34.01346:200]
43	03/21/11	12:25P	18172474045	16825834118	0119350053124312	310410277262848	OUT	[46996/12332:-97.14555:34.01346:200]
44	03/21/11	12:25P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[46996/13341:-97.11919:33.93392:350]
45	03/21/11	12:27P	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/13343:-97.11919:33.93392:240]
46	03/21/11	12:28P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[46996/13343:-97.11919:33.93392:240]
47	03/21/11	12:29P	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/13343:-97.11919:33.93392:240]
48	03/21/11	12:29P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[46996/13349:-97.11919:33.93392:240]
49	03/21/11	12:31P	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/13351:-97.11792:33.8345:0]
50	03/21/11	12:33P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[46996/13357:-97.11792:33.8345:0]
51	03/21/11	12:34P	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/13352:-97.11792:33.8345:180]
52	03/21/11	12:35P	16825834118	18172474045	0119350053124312	310410277262848	IN	[46996/13352:-97.11792:33.8345:180]
53	03/21/11	12:36P	18172474045	16825834118	0119350053124312	310410277262848	OUT	[46996/13352:-97.11792:33.8345:180]
54	03/21/11	12:37P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[46996/13358:-97.11792:33.8345:180]
55	03/21/11	12:41P	1000000000	18172474045	0119350053124312	310410277262848	IN	[46996/10422:-97.14483:33.75514:175]
56	03/21/11	12:41P	1100	18172474045	0119350053124312	310410277262848	IN_VMN	[46996/10422:-97.14483:33.75514:175]
57	03/21/11	12:42P	0100	18172474045	0119350053124312	310410277262848	IN_VMP	[46996/10422:-97.14483:33.75514:175]
58	03/21/11	12:42P	18172698886	18172474045	0119350053124312	310410277262848	IN	[46996/10422:-97.14483:33.75514:175]
59	03/21/11	01:00P	18172474045	19728989657	0119350053124312	310410277262848	OUT	[52902/21239:-97.15969:33.58744:248]
60	03/21/11	01:01P	18172474045	19728989657	0119350053124312	310410277262848	OUT	[52902/21238:-97.15969:33.58744:128]
61	03/21/11	01:11P	12146509258	18172474045	0119350053124312	310410277262848	IN	[52902/22198:-97.1785:33.31942:128]
62	03/21/11	01:12P	18172474045	12146509258	0119350053124312	310410277262848	OUT	[52902/22198:-97.1785:33.31942:128]
63	03/21/11	01:13P	19728989657	18172474045	0119350053124312	310410277262848	IN	[52902/55467:-97.19972:33.25869:8]
64	03/21/11	01:13P	19728989657	18172474045	0119350053124312	310410277262848	IN	[52902/55467:-97.19972:33.25869:8]
65	03/21/11	01:52P	12146509258	18172474045	0119350053124312	310410277262848	IN	[52706/40273:-97.30917:32.83175:248]
66	03/21/11	05:00P	18172698886	18172474045	0119350053124312	310410277262848	IN	[52812/40993:-97.0695:32.63469:248]
67	03/21/11	05:01P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[52812/40993:-97.0695:32.63469:248]
68	03/21/11	05:08P	18172698886	18172474045	0119350053124312	310410277262848	IN	[52812/14483:-97.0695:32.63469:248]
69	03/21/11	05:49P	18172698886	18172474045	0119350053124312	310410277262848	IN	[52704/14642:-97.09831:32.69133:128]
70	03/21/11	05:51P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[52704/14642:-97.09831:32.69133:128]
71	03/21/11	05:52P		18172474045		310410277262848	IN	[]
72	03/21/11	05:52P		18172474045		310410277262848	IN	[]
73	03/21/11	06:03P	18172698886	18172474045	0119350053124312	310410277262848	IN	[52812/12962:-97.07031:32.66311:180]
74	03/21/11	06:03P	18172698886	18172474045	0119350053124312	310410277262848	IN	[52812/12962:-97.07031:32.66311:180]
75	03/21/11	06:06P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[52812/14489:-97.0695:32.63469:248]
76	03/21/11	06:06P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[52812/14489:-97.0695:32.63469:248]

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MOBILITY USAGE
(with cell location)



Run Date: 06/26/2014
Run Time: 17:07:12
SMS Usage For: (817) 247-4045
Account Number: 177011011390

Item	Conn. Date	Conn. Time	Originating Number	Terminating Number	IMEI	IMSI	Description	Cell Location
77	03/21/11	06:06P	18172698886	18172474045	0119350053124312	310410277262848	IN	[52812/14489:-97.0695:32.63469:248]
78	03/21/11	06:07P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[52812/14489:-97.0695:32.63469:248]
79	03/21/11	06:08P	18172698886	18172474045	0119350053124312	310410277262848	IN	[52812/12968:-97.07031:32.66311:180]
80	03/21/11	06:09P	18172474045	18172698886	0119350053124312	310410277262848	OUT	[52812/12968:-97.07031:32.66311:180]
81	03/21/11	06:12P	18172698886	18172474045	0119350053124312	310410277262848	IN	[52812/12968:-97.07031:32.66311:180]
82	03/21/11	07:13P	18172474045	18172474045	0119350053124312	310410277262848	IN	[]
83	03/21/11	07:29P	1000000000	18172474045	0119350053124312	310410277262848	IN	[52704/17922:-97.13292:32.65611:128]
84	03/21/11	07:29P	1100	18172474045	0119350053124312	310410277262848	IN_VMN	[52704/17922:-97.13292:32.65611:128, 52812/12873:-97.03442:32.65575:300]
85	03/21/11	07:30P	0100	18172474045	0119350053124312	310410277262848	IN_VMP	[52812/12968:-97.07031:32.66311:180]
86	03/21/11	08:18P	1000000000	18172474045	0119350053124312	310410277262848	IN	[52812/14483:-97.0695:32.63469:248]
87	03/21/11	08:18P	1100	18172474045	0119350053124312	310410277262848	IN_VMN	[52812/14483:-97.0695:32.63469:248]
88	03/21/11	08:18P	0100	18172474045	0119350053124312	310410277262848	IN_VMP	[52812/14483:-97.0695:32.63469:248]
89	03/21/11	09:57P	18172474045	16825834118	0119350053124312	310410277262848	OUT	[52812/14483:-97.0695:32.63469:248]
90	03/21/11	10:01P	18172474045	16825834118	0119350053124312	310410277262848	OUT	[52812/40993:-97.0695:32.63469:248]
91	03/21/11	10:01P	16825834118	18172474045	0119350053124312	310410277262848	IN	[52812/40993:-97.0695:32.63469:248]
92	03/21/11	10:02P	16825834118	18172474045	0119350053124312	310410277262848	IN	[52812/14483:-97.0695:32.63469:248]
93	03/21/11	10:41P		18172474045		310410277262848	IN	[]
94	03/21/11	10:56P		18172474045		310410277262848	IN	[]
95	03/21/11	11:17P	18176816315	18172474045	0119350053124312	310410277262848	IN	[52812/12963:-97.07031:32.66311:300]
96	03/21/11	11:19P	18172474045	18176816315	0119350053124312	310410277262848	OUT	[52812/14553:-97.06061:32.68425:248]
97	03/21/11	11:25P	18172474045	18176816315	0119350053124312	310410277262848	OUT	[52704/14642:-97.09831:32.69133:128]
98	03/21/11	11:28P	18176816315	18172474045	0119350053124312	310410277262848	IN	[52704/14642:-97.09831:32.69133:128]
99	03/21/11	11:29P	18172474045	18176816315	0119350053124312	310410277262848	OUT	[52704/14642:-97.09831:32.69133:128]
100	03/21/11	11:54P	1000000000	18172474045	0119350053124312	310410277262848	IN	[52704/41842:-97.09831:32.69133:120]
101	03/21/11	11:54P	1100	18172474045	0119350053124312	310410277262848	IN_VMN	[52704/41842:-97.09831:32.69133:120]
102	03/21/11	11:55P	0100	18172474045	0119350053124312	310410277262848	IN_VMP	[52704/41842:-97.09831:32.69133:120]

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Cause No(s). 1376698R

THE STATE OF TEXAS

§

IN THE 432ND

v.

§

DISTRICT COURT OF

THOMAS OLIVAS

§

TARRANT COUNTY, TEXAS

STATE'S NOTICE OF INTENT TO OFFER BUSINESS RECORDS

Comes now the State of Texas, by and through its Assistant Criminal District Attorney, and hereby gives notice of its intent to offer business records pursuant to Rule 902, Texas Rules of Evidence. The records are also tendered for filing with the Clerk of this Court for inclusion with the papers in this cause.

The person making affidavit relating to such records is:

CHRISTOPHER BRYLA -- CUSTODIAN OF RECORDS

The employer of such person making affidavit is:

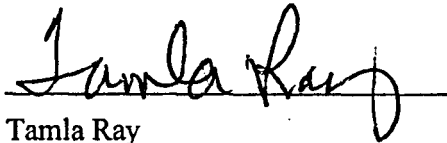
VERIZON

Respectfully submitted,

JOE SHANNON, JR.

Criminal District Attorney

Tarrant County, Texas



Tamla Ray

Assistant Criminal District Attorney

Tarrant County, Texas

SBN 24046687

STATE'S NOTICE OF INTENT - BUSINESS RECORDS -

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SCANNED

CERTIFICATE OF SERVICE

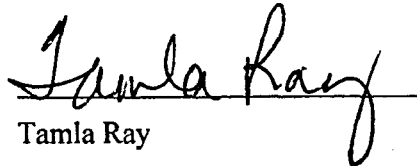
I hereby certify that a true and correct copy of the foregoing Notice of Intent to Offer Business Records was delivered to the attorney of record for the Defendant, TIM MOORE, by fax, on August 26, 2014.

Respectfully submitted,

JOE SHANNON, JR.

Criminal District Attorney

Tarrant County, Texas

A handwritten signature in cursive script, reading "Tamla Ray", is written over a horizontal line.

Tamla Ray

Assistant Criminal District Attorney

Tarrant County, Texas

SBN 24046687

THE STATE OF NEW JERSEY

APD 11-16602

COUNTY OF SOMERSET

§
§
§
§BUSINESS RECORDS AFFIDAVIT

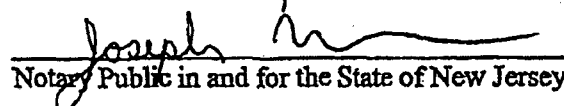
Before me, the undersigned authority, personally appeared Christopher S. Bryla,
who, being by me duly sworn, deposed as follows:

My name is Christopher S. Bryla, I am of sound mind, capable of making
this affidavit, and personally acquainted with the facts herein stated:

I am the Custodian of the Records of Celco Partnership d/b/a Verizon Wireless, Office of Integrity & Compliance, 180 Washington Valley Road, Bedminster, NJ 07921. Attached hereto are records from Celco Partnership d/b/a Verizon Wireless. These records are kept by Celco Partnership d/b/a Verizon Wireless in the regular course of business, and it was in the regular course of business of Celco Partnership d/b/a Verizon Wireless that Christopher S. Bryla, an employee or representative of Celco Partnership d/b/a Verizon Wireless, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; further the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the original or exact duplicates of the originals.


Affiant Signature

SWORN TO AND SUBSCRIBED before me on the 28 day of July, 2014.


Notary Public in and for the State of New Jersey

Notary Public's printed Name:

JOSEPH BRUCE NEWMAN
ID # 2434614
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires May 30, 2018

My commission expires. _____

CAUSE NO. 1376698R

THE STATE OF TEXAS

)(

IN THE 372ND

VS.

)(

DISTRICT COURT OF

THOMAS OLIVAS

)(

TARRANT COUNTY, TEXAS

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

SEP - 8 2014

BY JUDICIAL

9:03 am

DEPUTY

MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, THOMAS OLIVAS, by and through his attorney of record, TIM MOORE, and files this Motion for Continuance and in support thereof would show the Court as follows:

I.

This case is set for jury trial on September 9, 2014 at 9:00 a.m. in the 372ND District Court of Tarrant County, Texas.

The Defendant, THOMAS OLIVAS, is indicted for the offense of Capital Murder. The State of Texas has waived the death penalty.

II.

On Friday, September 5, 2014, at approximately 2:24 p.m., counsel for Defendant, TIM MOORE, was contacted by counsel for the State, KEVIN ROUSSEAU, and was informed that he had additional discovery that he needed to provide that he had recently received. This discovery consisted of a disc containing 119 recordings of telephone conversations (approximately 29.5 hours) recorded between June 15, 2014 and July 15, 2014, involving the Defendant and other people he called while incarcerated in the Tarrant County Jail.

III.

Due to the surprising nature of this information, and to render effective assistance of counsel, the Defendant's counsel, TIM MOORE and JOETTA KEENE, need additional time to properly prepare for trial.

IV.

Further, counsel for Defendant would request the Court to Order the Tarrant County District Attorney's Office to provide the Defendant with all recorded telephone conversations made by the Defendant while incarcerated in the Tarrant County Jail that are in their possession or in the possession of their agents.

V.

In addition, counsel for the Defendant has learned that many of the recorded conversations made by the Defendant were in Spanish, therefore, the Defendant requests the Court to provide the Defendant's counsel with a Spanish speaking interpreter to assist counsel and adequately represent the Defendant.

WHEREFORE, PREMISES CONSIDERED, the Defendant requests this Court to grant this Motion for Continuance. This request is not made for reason of delay, but in the interest of justice and so that counsel can render effective assistance of counsel in representing the Defendant.

Respectfully submitted,



TIM MOORE
Sundance square
115 West Second St., Suite 202
Fort Worth, Texas 76102
817-332-3822 Telephone
817-332-2763 Fax
State Bar Number 14378300

ATTORNEY FOR DEFENDANT

170

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion was mailed/hand delivered to the Tarrant County District Attorney's Office, 401 W. Belknap, Fort Worth, Texas on this 8th day of SEPTEMBER, 2014.

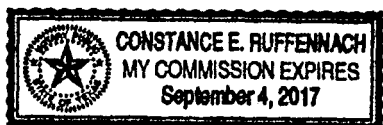
J. Moore
TIM MOORE

AFFIDAVIT

"My name is TIM MOORE. I am the attorney of record for THOMAS OLIVAS, Defendant in the above entitled and numbered cause. I have read the foregoing Motion and know the contents thereof and they are true and correct according to my knowledge and belief."

J. Moore
TIM MOORE

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 8th day of September, 2014.



Constance E. Ruffennach
NOTARY PUBLIC
State of Texas
My commission expires: 9-4-2017

CAUSE NO. 1376698R

THE STATE OF TEXAS

)(

IN THE 372ND

VS.

)(

DISTRICT COURT OF

THOMAS OLIVAS

)(

TARRANT COUNTY, TEXAS

ORDER ON DEFENDANT'S MOTION FOR CONTINUANCE

On this the ____ day of September, 2014, the above and foregoing Defendant's Motion for Continuance, having been heard by the Court, and the Court having considered such motion, it is hereby ordered that the Defendant's Motion for Continuance be:

GRANTED: _____

DENIED : _____

JUDGE PRESIDING

CASE NO. 1376698R

THE STATE OF TEXAS

VS.

Thomas Olivas

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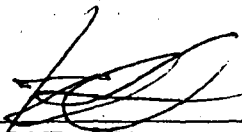
IN THE

372ND DISTRICT COURT


TARRANT COUNTY, TEXAS

AGREEMENT ALLOWING JURY NOTE RESPONSES

Comes now the Attorney for the state, the Attorney for the Defendant and the Defendant in the above styled and numbered cause, in open Court and agree that if the jury should write a note requesting any information from the Court, that the Court may send its answer into the jury room for the jury, after giving all parties an opportunity to make objections, if any, to the same, without the necessity of bringing the jury into open Court .



DEFENDANT




ATTORNEY FOR DEFENDANT



ATTORNEY FOR THE STATE

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

SEP - 8 2014

TIME 1230
BY  DEPUTY

CASE NO. 1376699R

THE STATE OF TEXAS

VS

THOMAS OLIVAS

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§
§
§

IN THE D372

DISTRICT COURT

TARRANT COUNTY, TEXAS

DEFENDANT'S MOTION FOR ASSESSMENT OF PUNISHMENT

Comes now the Defendant herein, with his attorney, Tim Moore
and **PRIOR** to entering a plea to the allegations contained in the indictment in the above styled and
numbered cause, **HEREBY REQUESTS** that the punishment, if any, be assessed by the
* jury.

Executed this 8 day of September, 20 14.

X [Signature]
DEFENDANT

[Signature]
ATTORNEY FOR DEFENDANT

FILED

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

SEP - 8 2014

TIME 12:30
BY [Signature] DEPUTY

*insert either "Judge" or "Jury"

CASE NO. 1376698R

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

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IN THE 372ND

DISTRICT COURT

TARRANT COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

The Defendant herein represents that he has never been convicted of a felony in this or any other state, and asks the Court to submit to the Jury this application for a probated sentence.

X [Signature]
DEFENDANT

Subscribed and sworn to before me this 9 day of September, 2014.

[Signature]
DEPUTY DISTRICT CLERK
TARRANT COUNTY, TEXAS

SEAL
FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

SEP - 9 2014
TIME 9:00
BY [Signature] DEPUTY

CASE NO. 1376698

THE STATE OF TEXAS

VS

Thomas Olivas§
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§
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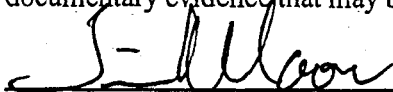
IN THE 372ND

DISTRICT COURT


TARRANT COUNTY, TEXAS

AGREEMENT TO STIPULATE EVIDENCE AND TESTIMONY

This day, in Open Court the defendant in the above styled and numbered cause and his counsel and the State's Attorney do hereby enter into an agreement that the Defendant waives the appearance, confrontation, and cross-examination of witnesses in this cause and agrees that the testimony of said witnesses may be stipulated into the record by the State's Attorney; such testimony being the same as the witnesses would give if they were present in Court and were testifying under oath, and the Defendant further consents to the introduction of evidence and testimony by oral stipulation or by affidavit, written statements of witnesses, and all other documentary evidence that may be introduced by the State.



ATTORNEY FOR THE DEFENDANT



DEFENDANT

Before the said defendant enters his plea herein, each of the above requests of the Defendant herein are hereby consented to and approved by me, the Attorney representing the State herein.

JOE SHANNON, JR.

CRIMINAL DISTRICT ATTORNEY



ASST. CRIMINAL DISTRICT ATTORNEY

The above and foregoing **AGREEMENT TO STIPULATE EVIDENCE AND TESTIMONY** of the Defendant herein having been duly considered by the Court and it appearing to the Court that the Defendant is herein charged with a felony, that the Defendant is represented by counsel, and that the attorney representing the State herein has given consent and approval to same, that the Defendant has knowingly, intelligently, and voluntarily waived the rights set out herein above as well as the ten day waiting period for trial, after appointment of counsel, therefore consent and approval of the Court is hereby given to such procedure and waiver. I further agree to Defendant's request that no presentence investigation report be made if proceeding on a misdemeanor offense.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

SEP 30 2014

TIME 1:12 pm
BY CAH DEPUTY


JUDGE/MAGISTRATE

SCANNED

NO. 1376698R

THE STATE OF TEXAS	§	IN THE 372ND JUDICIAL
VS.	§	DISTRICT COURT OF
THOMAS OLIVAS	§	TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

The Defendant, Thomas Olivas, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 20th day of March 2011, in Tarrant County, Texas. To this charge the Defendant has pleaded not guilty.

Our law provides a person commits the offense of murder if he intentionally or knowingly causes the death of an individual.

A person commits the offense of capital murder if he intentionally or knowingly causes the death of more than one person during the same criminal transaction.

"Individual" means a human being who has been born and is alive.

A person acts intentionally, or with intent, with respect to a result of his conduct when it is his conscious objective or desire to cause the result.

A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

Our law provides a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded to the defendant, and in the event he does not testify, that fact cannot be taken as a circumstance against him. In this case the Defendant has not testified, and you are instructed that you cannot and must not refer or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the Defendant.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS
OCT 02 2014
TIME 9:20
BY [Signature] DEPUTY

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his trial. The law does not require a Defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the Defendant, unless the jurors are satisfied beyond a reasonable doubt of the Defendant's guilt after careful and impartial consideration of all the evidence in the case.

The prosecution has the burden of proving the Defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the Defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the Defendant's guilt.

In the event you have a reasonable doubt as to the Defendant's guilt after considering all the evidence before you, and these instructions, you will acquit him and say by your verdict "Not Guilty".

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 20th day of March 2011, in Tarrant County, Texas, the Defendant, Thomas Olivas, did then and there intentionally or knowingly cause the death of an individual, Mechelle Gandy, by cutting her or stabbing her with an item, the exact nature of which is unknown to the Grand Jury, and during the same criminal transaction the Defendant intentionally or knowingly caused the death of another individual, Asher Olivas, by setting fire to his body by igniting a combustible or flammable material with an open flame; OR

If you find from the evidence beyond a reasonable doubt that on or about the 20th day of March 2011, in Tarrant County, Texas, the Defendant, Thomas Olivas, did then and there intentionally or knowingly cause the death of an individual, Mechelle Gandy, by cutting her or stabbing her with an item, the exact nature of which is unknown to the Grand Jury, and during the same criminal transaction the Defendant intentionally or knowingly caused the death of another individual, Asher Olivas, by setting fire to a combustible or flammable material with an open flame in close proximity to the body of Asher Olivas; OR

If you find from the evidence beyond a reasonable doubt that on or about the 20th day of March 2011, in Tarrant County, Texas, the Defendant, Thomas Olivas, did then and there intentionally or knowingly cause the death of an individual, Mechelle Gandy, by cutting her or stabbing her with an item, the exact nature of which is unknown to the Grand Jury, and during the same criminal transaction the Defendant intentionally or knowingly caused the death of another individual, Asher Olivas, in a manner and by a means which are unknown to the Grand Jury, then you will find the Defendant guilty of the offense of capital murder, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant and say by your verdict "Not Guilty."

The indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a written instrument necessary in order to bring this case into court for trial, and you will not consider the indictment as any evidence in this case or as any circumstance whatsoever against the Defendant.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to their testimony, but you are bound to receive the law from the Court, which is herein given, and be governed thereby.

You are charged that it is only in open court that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to communicate to any other juror anything he or she may have seen or heard regarding the case or any witness therein from any source other than in open court.

Your verdict must be by a unanimous vote of all members of the jury. In your deliberations you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence.

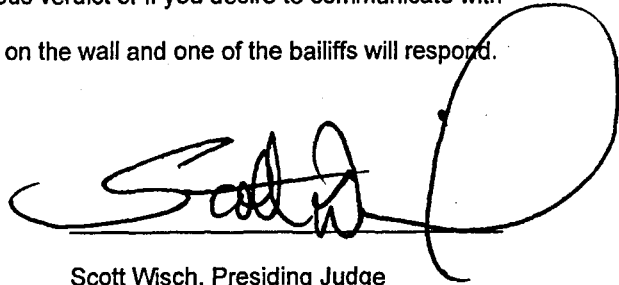
At times throughout the trial the Court may have been called upon to rule on the question of whether or not certain offered evidence might properly be admitted. You are not to concern yourselves with the reasons for the Court's ruling nor draw any inferences therefrom. Whether offered evidence is admissible is a question of law and in admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence; nor does the Court pass on the credibility of the witness. You must not consider any evidence offered that has been rejected by the Court. As to any question to which an objection was sustained, you must not engage in conjecture as to what the answer might have been or as to the reason for the objection.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting the outcome of the case. The Court has not intended to express any opinion upon any matter of fact, and if you have observed anything which you may have interpreted as the Court's opinion as to any matter of fact, you must wholly disregard it.

After you retire to the jury room, you should select one of your members as your Presiding Juror. Any member of the jury may serve as Presiding Juror. It is that person's duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form and signing the same as your Presiding Juror.

After you have retired, you may communicate with the Court in writing through the bailiffs who have you in charge. Your written communications must be signed by the Presiding Juror. Do not attempt to talk to the bailiffs, the attorneys, or the Court regarding any question you may have concerning the trial of the case.

After you have reached a unanimous verdict or if you desire to communicate with the Court, please use the jury call button on the wall and one of the bailiffs will respond.

A handwritten signature in black ink, appearing to read 'Scott Wisch', is written over a horizontal line. To the right of the signature is a large, loopy circular flourish.

Scott Wisch, Presiding Judge
372nd Judicial District Court
Tarrant County, Texas

C E R T I F I C A T E O F P R O C E E D I N G S

CASE: 1376698 DATE: 10/2/14 DOCKET: 1376698R CID: 0802418DEFENDANT: OLIVAS, THOMAS
MICRO: OLIVAS, THOMASWARRANT:
INDICTED: Y DATE: 07/09/14

COURT: D372 HEARD: _____ TRANSFER COURT: _____

CHOV: ___/___/___ I/O: ___ COUNTY: _____

CHARGE OFFENSE: 099926 CAPITAL MURDER-MULTIPLE DATE: 03/20/11 LSR INC: _____

DISPOSITION OFFENSE: _____

PLEA: NGR BOND TYPE: _____ FINE: _____DISP: FILE /___/___ STATUS: _____ CT COST: _____SENTENCE: LIFE /___/___ EVENT: _____ MISC: _____

ACTION: _____ /___/___ DUE: _____ /___/___

PROB (MOS): _____ /___/___ AMOUNT: _____ PAID: _____

FORFEIT: _____ /___/___

INST VERD: _____ BONDSMAN: _____

PROCEEDINGS: 9-10-14 Jury 5/3, 10-2-14 Ct's charge - Jury Verdict -
guilty - Cap. Murder - Mult., Ct sentenced to
LIFE in TDCJ without parole, CTB will cost
CTB, Adv. of right of AppealJUDGE/ : Scott
MAGISTRATECLERK: MSayer

9.24.12 / 10.2.14

Kevin Rounseau
Tamera Ray
SCANNEDKara B Smith
CT ReporterTom Moore
Joetta Keene



CASE No. 1376698R COUNT ONE
INCIDENT NO./TRN: 9187359561

THE STATE OF TEXAS

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IN THE 372ND DISTRICT COURT

V.

THOMAS OLIVAS

TARRANT COUNTY, TEXAS

STATE ID No.: TX04863558

JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	HON. SCOTT WISCH	Date Judgment Entered:	10/2/2014
Attorney for State:	JOE SHANNON, JR. RICHARD ROUSSEAU TAMLA S RAY	Attorney for Defendant:	JOETTA KEENE TIM MOORE
<u>Offense for which Defendant Convicted:</u> CAPITAL MURDER - MULTIPLE			
<u>Charging Instrument:</u> Indictment		<u>Statute for Offense:</u> 19.03(A)(7) PC	
<u>Date of Offense:</u> 3/20/2011			
<u>Degree of Offense:</u> CAPITAL FELONY		<u>Plea to Offense:</u> NOT GUILTY	
<u>Verdict of Jury:</u> Guilty		<u>Findings on Deadly Weapon:</u> N/A	
<u>Plea to 1st Enhancement Paragraph:</u> N/A		<u>Plea to 2nd Enhancement/Habitual Paragraph:</u> N/A	
<u>Findings on 1st Enhancement Paragraph:</u> N/A		<u>Findings on 2nd Enhancement/Habitual Paragraph:</u> N/A	
<u>Punishment Assessed by:</u> Court	<u>Date Sentence Imposed:</u> 10/2/2014	<u>Date Sentence to Commence:</u> 10/2/2014	
<u>Punishment and Place of Confinement:</u> LIFE Institutional Division, TDCJ WITHOUT PAROLE			
THIS SENTENCE SHALL RUN N/A.			
<input type="checkbox"/> SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A.			
<u>Fine:</u> N/A	<u>Court Costs:</u> \$299.00	<u>Restitution:</u> N/A	<u>Restitution Payable to:</u> <input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)
<input type="checkbox"/> Attachment A, Order to Withdraw Funds, is incorporated into this judgment and made a part thereof.			
Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62.			
The age of the victim at the time of the offense was N/A.			
<u>If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.</u>			
<u>Time Credited:</u>	From: 9/24/2012 To: 10/2/2014		
<u>If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.</u>			
N/A Days Notes: N/A			

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in TARRANT County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

183

SCANNED



☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

It appeared to the Court that Defendant was mentally competent and had pleaded as shown above to the charging instrument. Both parties announced ready for trial. A jury was selected, impaneled, and sworn. The Indictment was read to the jury, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and ORDERED it entered upon the minutes of the Court.

Punishment Assessed by Jury / Court / No election (select one)

☐ **Jury.** Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.

☒ **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

☐ **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

The Court FINDS Defendant committed the above offense and ORDERS, ADJUDGES AND DECREES that Defendant is GUILTY of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the Director, Institutional Division, TDCJ. The Court ORDERS Defendant to be confined for the period and in the manner indicated above. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court ORDERS that upon release from confinement, Defendant proceed immediately to the Tarrant County District Clerk. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant immediately committed to the custody of the Sheriff of County, Texas on the date the sentence is to commence. Defendant shall be confined in the County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the . Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the Office of the County . Once there, the Court ORDERS Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

☒ The Court ORDERS Defendant's sentence EXECUTED.

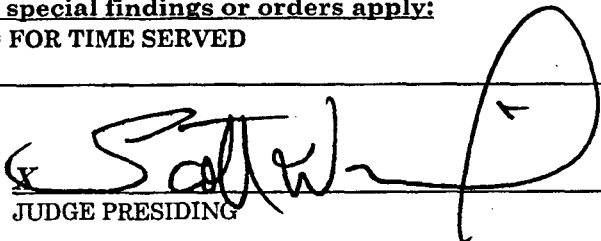
☐ The Court ORDERS Defendant's sentence of confinement SUSPENDED. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

COURT COSTS IN THE AMOUNT OF \$299.00 CREDITED FOR TIME SERVED

Signed and entered on 10/3/2014


JUDGE PRESIDING

NOTICE OF APPEAL FILED: OCTOBER 2, 2014

CASE No. 1376698R COUNT ONE
INCIDENT NO./TRN: 9187359561

THE STATE OF TEXAS

v.

THOMAS OLIVAS

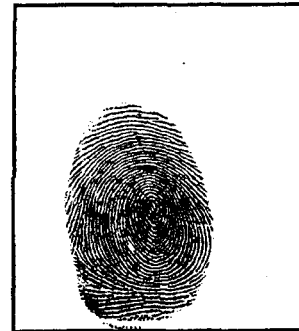
STATE ID NO.: TX04863558

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IN THE 372ND DISTRICT COURT

TARRANT COUNTY, TEXAS

Date: OCT 02 2014



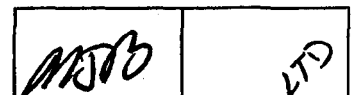
Right Thumbprint

X Stephen Ferron 2506

PERSON TAKING PRINT

JUDGMENT AND SENTENCE
FINGERPRINT PAGE

Clerk



185

CASE NO.

13746972

THE STATE OF TEXAS

VS

Thomas Olivas

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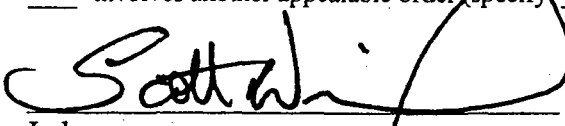
IN THE 372ND

DISTRICT COURT

TARRANT COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*


I, Judge of this Trial Court, certify this criminal case:

☒ is not a plea-bargain case, and the defendant has the right of appeal.☐ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and withdrawn or waived, and the defendant has the right of appeal.☐ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal.☐ is a plea-bargain case, and the defendant has NO right of appeal.☐ the defendant has waived the right of appeal.☐ involves another appealable order (specify _____).

 Judge

 October 2, 2014
 Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals's judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. Tex.R.App.P.68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change, in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.


 Defendant


 Defendant's Counsel

SBOT#

14378300

Mailing Address: _____

Mailing Address: _____

Tel. No. _____

Fax No. _____

Tel No. _____

Fax No. _____

*A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case – that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant – a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal. Tex. R. App. P. 25.2(a)(2).

 Rev. COA 10/11
 Rev. DC 06/12

SCANNED

CASE NO. 1376698R

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

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IN THE 372ND

DISTRICT COURT

TARRANT COUNTY, TEXAS

NOTICE OF APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, THOMAS OLIVAS in the above styled and numbered cause and gives this
his Notice of Appeal to the Court of _____ Appeals of Texas from the
judgments heretofore rendered against him in the above-styled and numbered cause.



DEFENDANT

OR

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

OCT 02 2014

TIME 1:25
BY [Signature] DEPUTY

ATTORNEY FOR DEFENDANT

BAR CARD # _____

SCANNED.

C E R T I F I C A T E O F P R O C E E D I N G S

CASE: 1376698 DATE: 02/14 DOCKET: 1376698R CID: 0802418

DEFENDANT: OLIVAS, THOMAS WARRANT:
MICRO: OLIVAS, THOMAS INDICTED: Y DATE: 07/09/14

COURT: D372 HEARD: _____ TRANSFER COURT: _____

CHOV: ___/___/___ I/O: ___ COUNTY: _____

CHARGE OFFENSE: 099926 CAPITAL MURDER-MULTIPLE DATE: 03/20/11 LSR INC: _____

DISPOSITION OFFENSE: _____

PLEA: _____ BOND TYPE: _____ FINE: _____

DISP: _____/___/___ STATUS: _____ CT COST: _____

SENTENCE: _____/___/___ EVENT: _____ MISC: _____

ACTION: APPL _____/___/___ DUE: _____/___/___

PROB (MOS): _____/___/___ AMOUNT: _____ PAID: _____

FORFEIT: _____/___/___

INST VERD: _____ BONDSMAN: _____

PROCEEDINGS: Notice of Appeal filed

JUDGE/: Sutton CLERK: M. Stoeck
MAGISTRATE

CASE NO. 1376698R

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

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IN THE 372ND

DISTRICT COURT

TARRANT COUNTY, TEXAS

**MOTION FOR FREE REPORTER'S RECORD AND
AFFIDAVIT OF INABILITY TO PAY FOR
COUNSEL AND REPORTER'S RECORD**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, THOMAS OLIVAS Appellant in the above styled and numbered cause and submits this motion for a free Reporter's Record for the appeal pursuant to Tex. R. App. P. 20.2, stating that he/she is too poor to pay for or otherwise obtain a Reporter's Record for the appeal or to give security therefor either in whole or in part.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that the Motion be granted and that the official Court Reporter thereof be ordered to prepare a Reporter's Record in accordance with Tex. R. App. P. 20.2.

ATTORNEY FOR APPELLANT

Comes now the Defendant in the above styled and numbered cause, and states to the Court upon his oath that he is without counsel of his own selection to represent him herein, and is unable to obtain a Reporter's Record for Appeal in this cause because he is too poor to pay for same, and is unable to give security therefor in perfecting the appeal before the Court of _____ Appeals of Texas.


APPELLANT

Sworn to and Subscribed to before me this 2 day of October, 2014.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

OCT 02 2014

TIME 6:26 PM
BY mg/s DEPUTY


DEPUTY DISTRICT CLERK
TARRANT COUNTY, TEXAS

189

SCANNED

CASE NO. 1376698R

THE STATE OF TEXAS

VS.

THOMAS OLIVAS

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IN THE 372ND

DISTRICT COURT

TARRANT COUNTY, TEXAS

**ORDER APPOINTING COUNSEL FOR THE APPEAL
AND
ORDER FOR COURT REPORTER TO PREPARE REPORTER'S RECORD**

On this day, it being made known and appearing to the Court that the Defendant is without counsel of his own selection to represent him herein, and that he is too poor to employ counsel, or give security therefor, to represent him herein and the Defendant having requested that an attorney be appointed to represent him in the above styled and numbered cause.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, by the Court that WES BALL COAA, a regularly licensed and practicing attorney is hereby authorized to proceed to perform the duties of the Attorney for the defendant in this cause.

And on this day, it appearing to the Court that the Defendant in the above styled and numbered cause, has given his/her Notice of Appeal to the Court of _____ Appeals of Texas. And it being made known that the Defendant herein has filed his/her affidavit, stating that he/she is too poor to pay the Court Reporter for a Reporter's Record for such appeal or give security therefor.

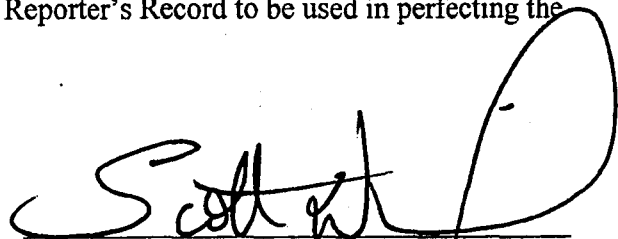
The Court is of the opinion that the Defendant is entitled to the relief as prayed for.

It is therefore the **ORDER** of this Court that the Official Court Reporter of this Court, KAREN B. SMITH, prepare and furnish a Reporter's Record to be used in perfecting the appeal in this cause.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

OCT 03 2014
OCT 02 2014

TIME _____
BY _____ DEPUTY


PRESIDING JUDGE

10-3-2014
DATE SIGNED

SCANNED



Office of
Attorney Appointments

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

OCT 06 2014

TIME 8:53am
BY LMJ DEPUTY

Tim Curry Criminal Justice Center
401 West Belknap
Fort Worth, Texas 76196
Phone (817) 884-2369
Fax (817) 884-2371

Date: 03-Oct-2014 Time: 14:27
To: WES BALL
Office: 817-860-5000 Fax: 817-860-6645
E-Mail: wes@ballhase.com

You have been appointed to represent the following indigent defendant:

Name: OLIVAS, THOMAS CID: 0802418
Home Address: 1603 OAK CREEK LN , # DOB: 11/28/1982
BEDFORD TX 76022
Phone: Race: W Sex: M

The defendant is charged with:

Offense	Incident#	Case#	Court	Date of Offense
MURDER - CAPITAL MULTIPLE		1376698	D372	

The defendant is currently confined at:

Agency: Sheriff

Contact:

Fax:

Office:

Bondsman:

This appointment shall remain in effect until all charges are dismissed, the defendant is acquitted, appeals are exhausted, or until you are relieved of your duties by the court or replaced by other counsel after finding of good cause.

You are required by law to make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which you are appointed and to interview the defendant as soon as practicable thereafter.

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SCANNED

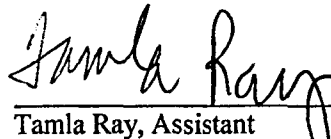
NO. 1376698

THE STATE OF TEXAS	§	IN THE 372ND DISTRICT
VS.	§	COURT OF
OLIVAS, THOMAS	§	TARRANT COUNTY, TEXAS

STATE'S MOTION TO RELEASE JUROR INFORMATION

COMES NOW, THE STATE OF TEXAS, in the above styled and numbered cause, pursuant to Article 35.29 of the Texas Code of Criminal Procedure, and requests a copy of the jury list in said cause to be released to the prosecution. Good cause exists for the request of this information in that the State intends to use this information for the legitimate purpose of sending out jury letters to inform Jurors of possible post-trial remedies and their rights concerning those remedies.

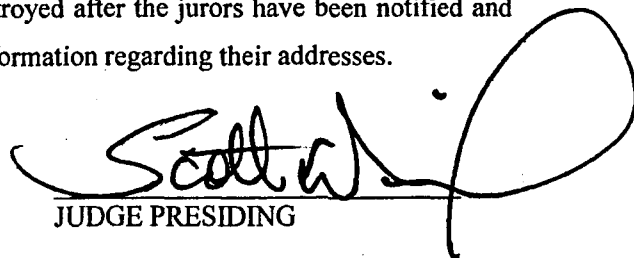
WHEREFORE, PREMISES CONSIDERED, the State prays this motion in all things be granted.



Tamla Ray, Assistant
Criminal District Attorney
Tarrant County, Texas

ORDER

The State's Motion is hereby granted/denied on this the 6 day of October, 2014. It is further ordered that the jury list be destroyed after the jurors have been notified and further that the State shall not maintain any juror information regarding their addresses.



JUDGE PRESIDING

OCT 14 2014

CAUSE NO. 1376698

TIME 4:45
BY SR DEPUTY

THE STATE OF TEXAS

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IN THE 372nd CRIMINAL

V.

DISTRICT COURT

THOMAS OLIVAS

TARRANT COUNTY, TEXAS

MOTION FOR NEW TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

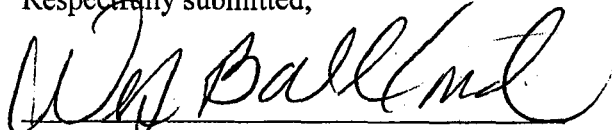
COMES NOW, THOMAS OLIVAS, hereinafter referred to as Defendant, by and through his attorney, WES BALL and files this his Motion For New Trial and in support thereof would show as follows:

I.

The verdict and judgment entered on October 2, 2014 are contrary to the law and the evidence.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Honorable Court conduct a hearing on this Motion, and following that hearing set aside the Judgment and Sentence, and grant him a new trial, and for such other and further relief to which he may be entitled.

Respectfully submitted,



WES BALL
4025 Woodland Park Blvd.
Suite 100
Arlington, Texas 76013
Tel.: (817) 860-5000
Fax: (817) 860-6645
State Bar No. 01643100

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

On this the 9th day of October, 2014 a true and correct copy of the foregoing motion was mailed to the Tarrant County District Attorney's Office, 401 W. Belknap, Fort Worth, Tarrant County, Texas 76196.

A handwritten signature in black ink, appearing to read "Wes Ball", is written over a horizontal line.

WES BALL

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion for New Trial is hereby GRANTED/DENIED this the _____ day of _____, 2014.

JUDGE PRESIDING

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

NOV 17 2014

TIME 10:45
BY CD DEPUTY

CAUSE NO. 1376698R

THE STATE OF TEXAS	§	IN THE 372 nd CRIMINAL
	§	
V.	§	DISTRICT COURT
	§	
THOMAS OLIVAS	§	TARRANT COUNTY, TEXAS

DESIGNATION OF RECORD ON APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

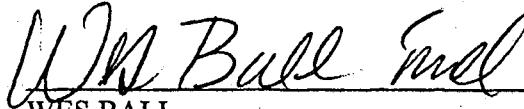
NOW COMES, THOMAS OLIVAS, the Defendant, by and through his attorney of record, WES BALL, and files this Designation of Record on Appeal, pursuant to TEX. R. APP. P. 51(b), and requests that the Clerk of this Court make and prepare as a part of the record in the appeal this cause true and correct copies of the following matters:

1. All pleadings filed by the Defendant and by the State of Texas and any and all rulings of the Court thereon.
2. All docket entries made by the Court.
3. The testimony of witnesses during all pre-trial hearings, on guilt/innocence and the hearing on punishment.
4. All hearings held outside the presence of the jury.
5. All communications between the Trial Court and the jury.
6. All communications between the Trial Court and the Defendant, Counsel for the Defendant, and Counsel for the State.
7. The Court's charge submitted by the Trial Court to the jury during hearings on guilt/innocence and punishment.
8. All objections, whether oral or in writing, made by the Defendant to the court's charge submitted to the jury during the hearings on guilt/innocence and punishment, and all rulings thereon.

25. All requests for extensions of time to file the Appellant's Brief in this cause, and the Order of the Court with respect thereto.
26. The Defendant's Motion to Correct the Record in this cause, all testimony adduced at the hearing on said motions, and the Order of the court.
27. The Order of the Court approving the record in this cause.
28. The Brief of the Appellant.
29. The Brief of the State.
30. The contents of all recordings which are played during the trial of this cause before the jury and/or the judge.
31. The contents of all exhibits which are read by any witness or by counsel, to the jury and/or the Court.
32. The indictment.
33. All of the Defendant's motions and exceptions.
34. Pre-Sentence Report and Pre-Sentence Investigation.
35. Complete list of jury panel and list of all peremptory challenges by each side.
36. All post-conviction hearings and proceedings.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that the Clerk of the Court and the Court Reporter of the Court make and prepare as part of the record in the appeal of this cause true and correct copies of all matters stipulated above and make them a part of the record in the appeal of this cause.

Respectfully submitted,



WES BALL

State Bar No. 01643100

4025 Woodland Park Blvd., Suite 100

Arlington, Texas 76013

Tel: (817) 860-5000

Fax: (817) 860-6645

ATTORNEY FOR DEFENDANT ON APPEAL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Designation of Record on Appeal was hand delivered/mailed to the District Attorney's Office, 401 W. Belknap, Fort Worth, Tarrant County on this the 11th day of November, 2014.



WES BALL

Attorney for Defendant

Certified True Copy

THE STATE OF TEXAS §

COUNTY OF TARRANT §

I, Thomas A. Wilder, Clerk of the District Courts of Tarrant County, Texas, do hereby certify that the documents contained in this record to which this certification is attached are all of the documents specified by Texas Rule of Appellate Procedures 34.5(a) and all other documents timely requested by a party to this proceeding under Texas Rule of Appellate Procedure 34.5(b) in Cause Number 1376698R, styled The State of Texas vs **THOMAS OLIVAS** in said court.

GIVEN UNDER MY HAND AND SEAL at my office in Tarrant County, Texas, this 30, day of January, A.D. 2015.

THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS

By Cindy Dutra
CINDY DUTRA
Deputy District Clerk



